

THE HOUSE OF COMMONS  
ITS PLACE IN NATIONAL HISTORY

J. HOWARD B. MASTERMAN

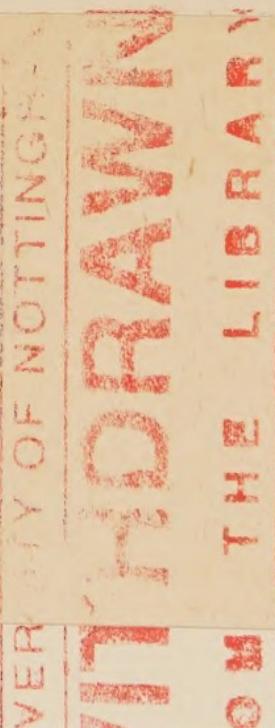
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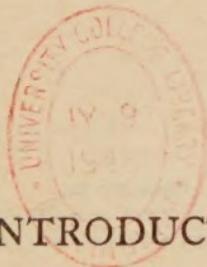
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THE  
HOUSE OF COMMONS  
ITS PLACE IN NATIONAL HISTORY

BY J. HOWARD B. MASTERMAN, M.A.

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P

TO  
THE WORKPEOPLE  
OF ENGLAND

## BOOKS RECOMMENDED

There is no short History of Parliament that can be recommended as a text-book for the course. The following are useful for various parts of the subject :

- The Electorate and the Legislature.* Spencer Walpole.  
("English Citizen" Series. Macmillan : 2s. 6d.)
- A Short History of Parliament.* B. C. Skottowe. ("Social Science" Series. Sonnenschein : 2s. 6d.)
- The Rise of Democracy.* J. Holland Rose, Litt.D. ("Victorian Era" Series. Blackie : 2s. 6d.)
- The Growth of the English Constitution.* E. A. Freeman (Macmillan : 5s.)
- The Coming of Parliament.* L. Cecil Jane.
- Parliamentary England.* Edward Jenks, M.A., B.C.L.  
(Both in the "Story of the Nation" Series. Fisher Unwin : 5s. each.)
- History of the English Parliament.* G. Barnett Smith. (Ward, Lock & Co. 2 vols., 24s. *Out of print.*)
- The three great Constitutional Histories that trace the growth of Parliament are those of Stubbs (Earliest Times and Henry VII.), Hallam (Henry VII. to George II.), and Erskine May (George II. to Victoria).
- Medley's *English Constitutional History* is a useful book for reference. (Blackwell : 10s. 6d. net.)
- Most of the larger Histories of England have chapters dealing with Constitutional progress.
- Since the delivery of these lectures a very valuable book has been published, and should be read by all students of the Constitution—Professor Maitland's *Constitutional History of England* (Cambridge University Press: 12s. 6d.).

## INTRODUCTION

To hear the story of the House of Commons told in the historic buildings of Parliament a large number of workpeople, drawn by the Workers Educational Association from no less than two hundred and six labour organisations of this great city, assembled in the Royal Gallery of the House of Lords on the Saturday afternoons of June 1908.

So much interest was excited by the newspaper reports of the lectures that there arose in many quarters a call for their publication, in addition to the insistent demand on the part of the audience. Professor Masterman, who lectured under the auspices of the University of London Extension Board, at once agreed to revise the verbatim reports, and generously placed the copyright at the disposal of the Workers Educational Association. This body now presents them to the public in book form for the benefit of the scheme of educational advancement which it is prosecuting in all parts of the United Kingdom.

## INTRODUCTION

It has been thought advisable to print the lectures with the same setting as that in which they were delivered. The various distinguished Chairmen who presided (representing all shades of political opinion) have kindly revised their addresses; some of the questions asked and answered have also been included in the Appendix, and a few notes on further study.

The printed page can provide but a partial record of the moving interest of such a course of lectures, but it is hoped that even in their present form they will prove a source of inspiration, and thereby help forward the study of our national institutions and the cause of social betterment.

## CONTENTS

	PAGE
INTRODUCTION . . . . .	v

### LECTURE I

#### THE RISE OF THE HOUSE OF COMMONS

The primitive Teutonic assembly. Early English local government—the shire court. The constitution and work of the Great Council. The minor barons or knights of the shire. Beginning of ideas of representation for (*a*) assessment, (*b*) consultation. Name *Parliament* begins about 1246. Contests of King and barons under Henry III.—intervention of knights of the shire. Simon de Montfort adds representatives of 21 cities and boroughs—importance of this. Constitutional experiments of Edward I. Model Parliament of 1295 (37 counties and 110 cities and boroughs represented). Four assemblies reduced to two by (*a*) departure of clergy, (*b*) union of knights and burgesses (about 1330). Decline of number of boroughs after 1330—reasons for this. Reluctance of knights and burgesses to act—writ *de expendis levandis*. The House of Commons in the fourteenth century . . . . . I

### LECTURE II

#### THE DEVELOPMENT OF THE HOUSE OF COMMONS

Growing control of the House of Commons over (*a*) taxation, (*b*) legislation. The struggle for the control of the Execu-

## CONTENTS

PAGE

tive. The problem of the Electorate—undue influence of sheriff—limitation of county franchise to forty-shilling freeholders, 1429. Place of meeting and duration of Parliaments. Demand that “redress of grievances should precede supply”—allocation of supplies—audit of accounts. The House of Commons under the Lancastrian Kings. Its decline under the Yorkists—unpolitical character of the period—need of strong government—sacrifice of education to efficiency . . . . .

28

## LECTURE III

## THE HOUSE OF COMMONS AND THE CROWN

The House of Commons under the Tudors—reasons for its subservience. Revival of independence under the Stuarts—questions at issue—freedom of speech—financial control—responsibility of Ministers—religious questions. The work of the Long Parliament. Constitutional experiments of the Commonwealth. The results of the Revolution. The House of Commons in the eighteenth century . . . .

55

## LECTURE IV

## THE HOUSE OF COMMONS AND THE PEOPLE

Condition of the franchise in the eighteenth century. Early demands for reform. The Reform Act of 1832. The programme of Chartist. The Reform Act of 1867 and its results. Later changes. The reporting of debates—the principle of publicity. Duration of Parliament—the Triennial Act—passing of the Septennial Act (1716). Demand for annual Parliaments. The rights of electors . . . .

83

## APPENDIX

A SELECTION FROM THE QUESTIONS ASKED AT  
THE CONCLUSION OF THE LECTURES . . . . . III

SUGGESTIONS FOR FURTHER STUDY . . . . . 119

# THE HOUSE OF COMMONS

## LECTURE I

### THE RISE OF THE HOUSE OF COMMONS

The primitive Teutonic assembly. Early English local government—the Shire Court. The constitution and work of the Great Council. The minor Barons or Knights of the Shire. Beginning of ideas of representation for (*a*) assessment, (*b*) consultation. Name *Parliament* begins about 1246.

Contests of King and Barons under Henry III.—intervention of Knights of the Shire. Simon de Montfort adds representatives of 21 cities and boroughs—importance of this.

Constitutional experiments of Edward I. Model Parliament of 1295 (37 counties and 110 cities and boroughs represented).

Four assemblies reduced to two by (*a*) departure of clergy, (*b*) union of knights and burgesses (about 1330).

Decline of number of boroughs after 1300—reasons for this. Reluctance of knights and burgesses to act—writ *de expendis levandis*. The House of Commons in the fourteenth century.

*Chairman : SIR WILLIAM ANSON, BART., D.C.L., M.P.  
Warden of All Souls' College, Oxford.*

IN introducing the lecturer I should like to say, first, how glad I am, and what a compliment I feel it, that I should have been invited to take the chair at the first of a course of lectures so widely interesting and instructive as these lectures promise to be. I am also rejoiced that I am able

## 2 RISE OF THE HOUSE OF COMMONS

even in this small way to show the keen interest in the work of this Association which is felt by the University to which I have the honour to belong. And let me add that I am particularly glad to see, from the Syllabus which has been supplied to me, the nature of these lectures, that they deal with the history of one of our great institutions. There is no greater mistake, I am sure, than to suppose that you can deal satisfactorily with any question of importance, certainly with any political question of importance, unless you have some knowledge of the past as well as of the present. If you want to criticise or to mend any part of our constitutional fabric, it is essential that you should know how it began, what purpose it was intended to serve, what difficulties have arisen in the past, whether they correspond in any way to the difficulties of the present, and how they have been met. It is sometimes thought that knowledge of this sort and that studies of this character tend to produce indecision and a lack of boldness in action, that they inculcate a reverence for the past which blinds one to the shortcomings of the present. I do not believe that any student of the history of our Constitution need entertain that fear. Rather, if he desires to press forward any change, his courage will be strengthened and confirmed by a fuller knowledge of the stages by which the subject with which he proposes to deal has come to be what it now is, and with the assurance that he has that range of information, covering the past as well as the immediate present, which a reasonable man would

## THE COMMONS AND THE CHURCH 3

require who wanted to be in possession of all the material facts before forming a judgment on an important practical matter. Ladies and Gentlemen, I will not further stand between you and the lecture you are about to hear, but I will ask Professor Masterman to commence his course.

### PROFESSOR MASTERMAN :

If I had only had a little more courage than I have, I should certainly have proposed as an amendment that I should sit down, and that Sir William Anson should give you the lecture this afternoon ; for Sir William Anson, as you know, is one of our greatest living authorities in all matters affecting the constitution of the country, and not a little of what I have to say to-day will be a faint echo of what Sir William Anson has said in books which you have either studied or, no doubt, will study when this course of lectures is over.

Last year I had the great honour of talking to some of you in Westminster Abbey on the subject of our English Church, and the part it has played in the development of this nation of ours. This year we are to talk about another great institution and the place it occupies in our national life—the House of Commons. There are some interesting points of resemblance between these two great institutions. Both of them are distinctively English (or shall I say, in the case of the House of Commons, British?). No other nation has an ecclesiastical body that has taken quite the same kind of place in national life that our English Church has done in the life of this

#### 4 RISE OF THE HOUSE OF COMMONS

nation. And no other European nation has a popularly elected assembly, charged with the work of government, that goes back through six hundred years of continuous life. And again, both these two institutions require for their right understanding the cultivation of the power of historic imagination. Both of them are liable to the cheap sneers of people who are deficient in historic imagination. We are familiar with the language that speaks of the House of Commons as a "babble-shop," and with similarly uncomplimentary phrases about our Church of England. But in both cases you must stand far enough back to get the true perspective of things if you want to understand at all what these two great institutions are and mean in our national life. For they are both, as I have said, distinctively national things. Even the irregularities, and strange customs, and perverse elements in their character are the outcome of our national life and our national history; and that is the point that I want you to keep in mind while we are dealing with our House of Commons and its history.

In order to understand the genesis of our House of Commons we have to go back to the days of our ancestors in their original Teutonic fatherland; we have to answer the question why it was that amongst these Teutonic tribes there grew up the instinct of discussion in a way that we do not find among other great nations of the world. And I think the answer is that it was very largely the effect of climate. The constant struggle to wrest the means of livelihood from an

uncongenial climate and unresponsive soil was, I fancy, the thing that did most to make the character of our forefathers in their North German homes. Life presented itself to them as a struggle, where a man must win his way through by the strength of his own right hand, and so they were saved from the great danger that does most to sterilise political action—I mean the danger of fatalism ; the danger that fell as a great pall over many great nations of the ancient world and has permanently held back their political progress. All of us have known, and many of us have marvelled at, the infinite patience of those who are condemned by our present social system to dwell in the slum areas of our great towns ; and yet we know quite well that it is just that patience that is the greatest hindrance to any real and effective amelioration of the condition of things. When once a man has determined to give up the struggle and accept what life brings him with what resignation he can, that man is lost from the aggressive forces that make for progress in the political life of the race. Now, it was from that fate that our forefathers were saved by the conditions of their life. And again, the conditions of the land in which they lived compelled these Teutonic peoples to settle in small communities, cut off from other small communities by the forests and the rivers that lay between. So it was in small communities, as I believe is generally the case, that political life began to develop. Great towns are the testing-place of political intelligence, but small communities are the training-ground

## 6 RISE OF THE HOUSE OF COMMONS

for political life. So it was in the smaller communities packed away amongst the forests and swamps of Germany that our forefathers learnt the art of acting together, and learnt the art of talking. I make a great deal of that because I want you to realise before I have done that the House of Commons exists to talk, and that if the House of Commons did not talk, but started governing instead, it would really be abrogating its true function and trying to do something it cannot in the nature of things do. So when we are foolish enough to talk of the House of Commons as a "babble-shop," we merely mean that the House of Commons is trying to do the thing it exists to do. Our forefathers learnt to talk by their wood fires, with the wolves not far off, in little settlements among the German forests. These talks were the first beginnings of the political history of our race, and this instinct of discussion they brought with them to this land when they came. I regret to say they came as plunderers, to turn out the legitimate possessors of the land, to take possession of their property. But over these things we draw the veil of silence at this distance of time. It is important to notice that they came in small detachments for the most part, not in one great horde. They came under their own local chiefs and settled in small communities, many of them the basis of our present county divisions in England; and so they were in communities small enough to keep up the instinct of discussion. They were wise enough to burn all the cities they found, for they dis-

believed in city life. They believed in the life of the open country, where a man might be within sight of green things and feel the forests around him. So they did not settle in towns ; they settled in small village communities, where they were able to retain their instinct for discussion.

After a time, of course, a central government grew up ; but a central government was something faint and far away, only very remotely affecting the actual details of the life of the time. There was a king who occasionally led his hosts to war, and ruled somewhere at Winchester or York or London ; but in the actual details of government that affect the personal life of men, our forefathers remained largely self-governing village and shire communities. And this local life went on through that great change we call the Norman Conquest, which profoundly changed the whole system of the central government in England, but—through the wisdom of the Conqueror—left the local machinery of government unaffected. A new landlord appeared who spoke a strange language, and under whom many things that had hitherto been customary became fixed, legal things ; but there was no great interference with the details of the local life of the country. Men still met, as they had met for centuries, in their own town meeting, or hundred court, or shire court. They still transacted the local business of the life of the country very much as their forefathers had done hundreds of years before.

In the years that followed you will find two

## 8 RISE OF THE HOUSE OF COMMONS

distinct ideals of government growing up in England. There was what might be called roughly the feudal ideal of government; and according to this feudal ideal the King is a kind of hereditary President of an hereditary body of rulers. The great barons of the country considered that they had an hereditary right to advise and, if need be, dictate to the King in matters of government. That is one ideal. The other ideal of government regarded the King much more as a kind of father of his people, or sometimes as the owner of the land in which his people dwelt; and that second ideal of government, encouraged by the Norman Kings, checked the disintegrating influences of the feudal ideal. These were, as I could show you in detail if I had more time, the two alternative theories of government in the England of the twelfth century; and the lawyers and the ecclesiastics, not perhaps wholly disinterestedly, encouraged the second of these ideals, the ideal of the autocratic monarch rather than the ideal of the oligarchy of nobles. On the whole, I am inclined to think that the people were on the same side; that normally the English people were against the nobles and in favour of the Crown. If you had polled the England of the twelfth century on the question whether the King's authority should be strengthened or diminished, I think you would have found a very large majority in the towns, which were now beginning to grow into importance, in favour of a strong monarchy; though you would probably have found that, as an out-

come of local attachment, the country districts were inclined to favour the ideal of a council of nobles as the governing power of the country. You will find a good many evidences in your study of history of the general popular feeling in favour of the monarch as against the alternative of baronial government—as, for instance, the support given by the people to Henry I. at the outset of his reign, or the general welcome accorded to the policy of Henry II. in trying to depress the position of the great nobles and aggrandise his own powers as King. Indeed, it was almost the crowning triumph of the reign of King John that he should have succeeded in uniting into one body, in opposition, the Church, the nobles, and the people. No other king achieved quite so triumphant a success in throwing the whole country into one united body in opposition to himself and his policy.

That brings us to the Great Charter; and the Great Charter is a very convenient halting-place to take stock of the position then reached, because the general purpose of that Great Charter was to define the methods of exercise of royal power. May I explain that for a moment, because here we reach a very important constitutional point? It is most incorrect, historically, to say that the progress of our Constitution has been the gradual restriction of royal power. It has been no such thing. It has not been the *restriction* of royal power, but the *definition* of the channels of exercise of royal power. The Sovereign in England can to-day do anything that is physically possible to

be done, only he must do it through certain defined channels. And the first step in the definition of the channels of exercise of royal power was the Great Charter, which defined the means whereby the King could take taxes or administer justice, or exercise other royal functions. Article XIV. of the Charter is the special article we want for our purpose to-day. Let me read you the article :

“For holding the Common Council of the realm We will cause to be summoned Archbishops, Bishops, Abbots, Earls, and greater Barons individually by Our letters; and We will also cause to be summoned collectively through Our Sheriffs and Bailiffs all those who hold of Us in Chief for a fixed day, that is, at the end of forty days at least” [because it took forty days to travel from the farthest point of the land to London], “and in all Our letters We will state the cause of the summons.”

What does it all amount to? It means the creation of the House of Lords. For it is, I think, the first definite statutory recognition of the distinction that had grown up between two classes of people, the greater barons and the lesser barons. Remember the word *baron* means originally anybody who is a tenant-in-chief of the Crown; and the cleavage had taken place gradually, under circumstances we cannot trace now, between the greater barons and the lesser barons; and now by the Great Charter this distinction becomes clearly recognised as a statutory distinction. The greater baron, who had already

the right to receive a special summons to the Army when war was to be declared, now received the right to a special individual summons to the King's Council; and the rest of the tenants-in-chief of the Crown were to be summoned together through the sheriff, and, as far as we know, never obeyed the summons at all. So, you see, there comes into existence a body of people who are the statutory advisers of the Crown, and who are called earls and greater barons. Only two further stages are needed to create the House of Lords. The first is the recognition of the principle that a baron once summoned individually has the right to be summoned thus always in future; and, secondly, the recognition of the principle that if a baron has been summoned individually, that right to a summons is hereditary in his family. And so you have the House of Lords.

But there is another point about this article of the Charter. It recognises another body which, at least in name, has the right to share in legislation and other matters, and that body consists of the lesser tenants-in-chief of the Crown. But these people, as I have said, never, as far as we know, responded to the summons until the time to which we are now coming, when the recognition of their right to share in the national council became a matter of great importance.

Now we come back to local life, because it is in the local life of England, as I have said, that you can trace the stages of development of

the history of our House of Commons. The important body about which, if I had time, I would like to say more, is the shire court. My own impression is that the shire court was, for a century or two after the Conquest, the real centre of the life of England. It was there men gathered for doing the things that really affected their own lives. It was there they felt the sense of common right and of common duty. It was there they were educated in the art of self-government. And of the work of the shire court, a very important part was the appointment of people to act on its behalf in (for instance) presenting criminals or assessing taxes. The custom was to appoint certain "knights of the shire" to act on behalf of the whole body; and thus the custom of acting by representatives began to grow up in English life. Now, into this shire court there came from time to time representatives of the central authority. They began to come as early as the beginning of the twelfth century, and they came more regularly as time went on; they come still in the itinerant justices who go on circuit to our counties and great towns to-day. But they were not at first judicial officers; they were rather revenue officers, who came down to see to the collection of the King's revenue, and also to consult the counties as to providing for the King's needs. It is probable that, from the very first, part of the business of these itinerant justices was to see what the counties were prepared to do to meet the financial needs of the Crown; and

usually the custom appears to have been to elect a certain number of knights of the shire to represent the county in consulting with the itinerant justices about supplying the King's financial needs. That was the condition of English life about the beginning of the thirteenth century. Already, you see, there are two important principles clearly recognised in English local life. They are, first, that a body of men may act through representatives elected by that body; and, secondly, that the finances of the kingdom are a matter for consultation between the Crown and its faithful subjects.

So we come to the thirteenth century, the great period when our Constitution was really growing into the form in which it still exists. I will ask you to remember that the thirteenth century is the great period of the growth of constitutions, not only in England, but throughout most of the other countries of Western Europe. Everywhere in the thirteenth century you have the same kind of representative assemblies coming into existence; and it is an interesting question, too large to enter upon now, why these representative assemblies throughout Europe did not, like our own House of Commons, attain to continuous life. This growth of constitutionalism in Europe was, I think, largely the outcome of the changes that had followed upon greater peace and order in Europe. After the end of the eleventh century there was sufficient peace and order in Europe for industrial life to grow up, and so you have the beginning of the life of

## 14 RISE OF THE HOUSE OF COMMONS

towns, and the beginning of that political activity that towns tend to develop; and the result of this was a growing tendency to consult about political questions.

Again, in the thirteenth century you have what is generally called the growth of "estates" in Europe. I must say a few words about this question of estates, because it is so essential to the understanding of the history of our Constitution. Let us begin by the suites of a pack of cards. They are, as you may perhaps know, hearts, clubs, diamonds, and spades. Now let us go to India, and in India we shall find that there are four great fundamental castes which correspond exactly to the suites of the pack. There is the *Brakman*, or ecclesiastical caste, corresponding to the hearts; there is the *Kshattriya*, or warrior caste, corresponding to the clubs; there is the *Vaisya*, or merchant caste, corresponding to the diamonds; and there is the *Sudra*, the once-born man, the peasant, corresponding to the spades. So, in a curious way, a pack of cards, perhaps by a mere accident, reminds you of the four great castes of Indian life. Now, there are no castes in Western Europe, because these great social lines of cleavage never got a clear religious sanction; and therefore they are not hereditary castes, but classes. But the lines of cleavage in mediæval Europe are fundamentally the same. There is the ecclesiastical class—the clergy; there is the warrior class, which is also the land-owning class—the knight or the baron or the earl; thirdly, there is the merchant class—

the burgher of the towns ; fourthly, there is the unenfranchised serf class—the peasant of the villages. Now, when you look at the development of organised political life in the thirteenth century, you will see that it went along the lines of these class distinctions. The normal condition was that there should be three assemblies corresponding to the three classes—the clergy, the land-owners, and the burghers of the towns. You have such assemblies in the German Diet or the French Estates-General. The fourth class—the serfs—had as yet no political rights at all.

I have said all this because I am anxious to show you how important it is that our own Houses of Parliament did not take exactly this form. If they had taken this form they would probably have shared the same fate that the other representative assemblies of Europe suffered—gradual decadence—and have left no trace behind. Go back to that period, and see how this was so. Under Henry III. you still have that struggle in progress of which I have spoken. There is still the party that wants to claim that the nobles are the hereditary advisers of the Crown, and the Crown must do what the great nobles want ; and there is still the attempt of the Crown to claim the right to appoint its own Ministers, and generally we find the Crown appointing either personal friends or foreigners. Now, when the struggle has been going on for a certain time, a new element begins to come in ; and it came in through a rather curious accident. In the year 1254 the King was involved in war, and as usual

he wanted money. So he called his barons together, explained the unfortunate fact to them, and asked them if they would kindly provide the necessary funds. They said that, for their part, they would be most glad; but unfortunately the minor gentry of the counties were exceedingly unwilling to pay up. The obvious thing to do was to see whether this was so by getting the minor gentry to speak for themselves. Accordingly, the King sent to the sheriffs to ask that two knights from each shire might be sent to consult with him. I want you to see that this was a very small change. It merely meant that instead of sending some one down to the counties to consult with the knights of the shire, the King asks the knights of the shire to come to Westminster to consult him. Instead of the itinerant justices going to meet the knights of the shire and bringing back reports, the knights are asked to come and see the King, that he may ascertain whether they really are unwilling to meet his financial needs. That was the first time that the knights of the shire met in one central assembly. The King got very little out of the experiment: the knights refused to grant anything in the way of subsidy; and the King was compelled to fall back upon the expedient always open to a mediæval king—the expedient of getting money from the Church. Notice that here, as throughout all the period that follows, *two* knights from each shire are summoned. I imagine that it was not very safe for a solitary knight to travel by himself, and that, therefore, for safety in travelling they came in

pairs. It may also have been that with two you could get a better representation of the opinion of the county.

A very interesting document belongs to the year 1261, one of the most interesting documents that I know of in our history. It is a solemn appeal by the King to the people against charges of misgovernment. The King had been accused by the barons of various forms of misgovernment, and the King thought it worth while to issue a solemn document repelling these charges, an appeal to the "communes" against the misjudgment of the barons—an indication of the growing tendency of the King to appeal from the aggressive policy of the barons to the judgment of the people. And only two years afterwards the barons summoned an assembly of three knights from each shire to St. Albans ; and the King sent to say, "No, don't go to St. Albans to the barons ; come to Nottingham to me." I believe they did not go to either place, which perhaps was the wisest thing they could do.

That brings me to the beginning of the House of Commons. What is the meaning of this title "House of Commons," which now first begins to be used in our history ? Who are these Commons ? The word *common*, like the word *commune*, of which it is merely another form, brings out a point of great interest and importance about our national institutions. I mean this : the House of Commons was not merely a House that represented the people ; it was a House that represented the people organised into local self-

conscious political groups. I think it is rather important to understand this. The House of Commons, in the original idea of it, is not merely representative of the people ; it is the representative of organised self-conscious local political groups. The *commune* is a local assembly, shire court, or town court, a local assembly of the people of any particular district organised into a definite self-conscious group ; not a mere mass of individuals like the modern constituency, with no definite political consciousness, no clearly defined political opinion. What I mean is this : it was not a question of mere counting of heads ; it was a question of expressing the organised political consciousness of a group of people organised into a "commune." So the House of Commons was the representative of the *communitates regni*—the local groups of organised political life of the kingdom. I must not go further into that, though it is tempting. It was a most fortunate thing for English life, I think, that this beginning of the organisation of the communes into a central body did not come earlier than it did. It came at exactly the time when England was growing into the consciousness of its own national character. Had there been a central assembly, representing local communities, at an earlier time, it would have been sectional in its interests, and far too little conscious of a definite common purpose. But by the accident of history, or rather, as I prefer to say, by the Providence of God, this new organisation did not begin to come into existence until England became a self-conscious body,

realising its identity of interests, and realising the common destiny which belonged to it as a nation.

I have spoken of the first beginning of the summons of the knights of the shire from their own counties to London. It is interesting to remember that this first beginning of political life was not welcomed with any enthusiasm by local authorities, and that for two reasons. In the first place, because there was always the unpleasant consciousness that your knights of the shire might be seduced by the glamour of the immediate prospect of royalty, and commit you to a great deal more than you were prepared to go through with. They might come back, having genially committed you to a ten per cent. property tax, and you had to pay. When the itinerant justices came down to consult the local authorities on the spot, you could at least keep some kind of check over the knights of the shire if they showed themselves unduly generous. But also—and perhaps this was a stronger reason—when you sent the knights of the shire up to Westminster, or wherever the Parliament was held, you had to pay each of them the sum of four shillings a day for maintenance, and this payment of members became a serious check to the development of the instinct of political action in the England of those days.

This brings us practically to the man who, I suppose, next to Edward I., has most to do with the development of our House of Commons. I mean Simon de Montfort. All the research of

the past half-century has tended to increase our admiration for the personal character and work of that great statesman of the thirteenth century. Simon de Montfort is one of those figures that grows with time. It is hard to say how far he was clearly conscious of the greatness of the step he was taking. I believe myself that he was, although I cannot stop to prove it to you now. I want you to understand clearly what it was that really happened. In the twelfth century the most notable feature in English life is the growth of the towns. The towns had grown up gradually during the peace of the realm, and the whole instinct of the towns was in favour of good government—such good government as should maintain peace and develop the commerce of the country. And so they attached themselves to any party prepared to guarantee efficiency in national affairs. Simon de Montfort was, above all things, the apostle of efficiency. He had shown in his government in Gascony how the most ruthless kind of efficiency might be enforced in a subject province of the kingdom, and he came to England with the same passion for efficiency that was recently expressed by a distinguished peer of the realm in our English life. It was this great passion for efficiency that gradually led him to take the lead in opposition to the singularly inefficient government of Henry III. Side by side with this there is another fact to remember—the influence of the friars, a kind of thirteenth-century Salvation Army, who penetrated into the worst slums of the towns of the England of those days,

bringing new life and hope with them. Through the influence of the great Bishop Grossetête, the first great ornament of that University which has given us our Chairman of to-day, these friars became political agents for advocating good government in the country ; and partly through the influence of the friars the work of Simon de Montfort was kept in touch with the political feeling and support of the towns. If you study the popular songs of the thirteenth century you see how public feeling attached itself to Simon de Montfort as the one hope of good government in the country. Meanwhile, Simon drifted into open conflict with the King, and at the battle of Lewes the King was worsted, and Simon became practically dictator of the realm. Simon was naturally anxious to rally to his support all the forces he knew to be in his favour ; and as he knew he was strong in the support of the towns, he requested a certain number of towns to send representatives to meet with the council for the purpose of drafting a new scheme of government. And so, you see, it was something almost like an accident that brought into our central government machinery the representatives of the towns in England ; and from that time onwards the towns began to take their part in the life of English central government.

But the burgesses of our English towns always played a very subordinate part during the Middle Ages as compared with the part played by the knights of the shire ; and that for several reasons. In the first place, they were humbler men ; they

were men who made money out of trade in the towns, who had from their earliest years been taught to regard the knight of the shire as a man of superior rank to their own. And they were paid less. Instead of the four shillings a day—which means much more in modern coinage—paid to the knight of the shire, the burgesses had to do with two shillings a day, which meant they had to stay at a poorer hotel in London than the hotel at which the knight of the shire stayed. Lastly—and this perhaps is the most important reason why the burgesses never played a leading part in political life down to a later period than this—the King could always augment the number of towns that sent representatives to Parliament, whereas the number of the knights of the shire was strictly limited to two from each shire, no less and no more. The result was that burgesses were unlimited as to number, while the knights of the shire were strictly limited.

Now we come on to the second great figure who is for ever linked with the development of our English constitutional life—I mean the figure of Edward I., a man who by general consent stands in the very front rank of English kings, very far from perfect, but a man whose great joy was the love of his people, and whose great passion was their welfare and good. The latter half of the thirteenth century, when Edward I. was king, was a great age of lawyers, and therefore, of course, it was a great age of definition—an age of documents beginning with “WHEREAS.” And the great thing Edward I. was destined to

do for the Constitution was to define it. Let me explain. During the whole of the Anglo-Saxon period an exceedingly efficient system of local government had been maintained. Then the Norman period brought in a highly efficient system of central government. Then the Angevin period follows, and links the Norman central government with the Saxon local government in two ways—the itinerant justice goes from the centre to the locality, and the knight of the shire begins to come up, very reluctantly, from the locality to the centre. All the machinery had grown up, and now Edward I. gave to it defined form and legal sanction. That is the importance of the relation of Edward I. to the Constitution. And so in 1295 you have a great "Model Parliament," as it is called; the Parliament which became from this time onward the precedent for all Parliaments in England. To this Parliament came two burgesses from each borough, two knights from each shire, two clergy from each diocese, one from each Cathedral, with the archbishops, bishops, earls, and barons, to consult the King.

Let us next trace the process by which this assembly of 1295 takes the form of our present House of Commons. Two things happen. The first thing is that the clergy drop out. They had an assembly of their own called Convocation, and they preferred to vote their money in Convocation instead of in Parliament. So they ceased to send representatives to Parliament. I believe there is still what is called the *Præmunientes*

clause in the summons of a bishop to Parliament, which admonishes him to secure the election of representatives from the clergy; but, as a matter of fact, it is not done, and I am afraid if they were sent the modern House of Commons would refuse to have them.

The second thing that happened—and this is important—was that, contrary to everything you would expect, the burgesses and the knights of the shire joined together. Remember what I said to you about the estates before. The normal thing would have been for the landowners to form one house and the burgesses of the towns another—the “diamonds” and the “clubs,” each in a separate pack. But in the case of England various influences led the knights of the shire and the burgesses to begin to act together. When Parliament first met, in the thirteenth century, what happened was this. Some dignified person came down to explain that the King, being unfortunately poor, had need of subsidies from his faithful subjects; and then the assembly would divide. The burgesses would go to one corner to talk about the question of how much they should give the King, and the knights of the shire would go to another corner at the other end of the room; and the great Council of dignified persons would meet in state to decide what they would give: and when the two groups at the end of the room had decided the question, they would send one or two people to say they had decided to give so much; and then they would retire modestly while the great Council discussed

matters of state. Then at the end of the session the two parties would be invited in again for a few words from the king, after which they would go gratefully back to their own place. That was what happened in the early councils of the thirteenth century.

But the knights of the shire, and the burgesses gradually came to find that their interests were identical. Both wanted to get off as cheaply as they could ; and the result was that they began to consult together, and out of that consultation together they gradually began to act together. They were both representatives, they often travelled up and down together from their counties, and so a friendly feeling grew up between them, and they gradually came to act in concert. And finally, what happened was this : instead of adjourning in two separate bodies to the end of the hall, they crossed the road and began to meet in the chapter house of the Westminster monastery as one body. So began the House of Commons. The earliest rolls of the House of Commons belong to the year 1278 ; and the earliest appearance of the name "House of Commons" to 1304.

It only remains for me now to make one or two closing remarks. It is important to notice that all through the period that follows the great difficulty was to induce the towns to send representatives at all. They often bribed the sheriffs to let them off; occasionally, when they had done any patriotic act, they claimed as a reward that they should be excused from sending

representatives to Parliament. For instance, Colchester was excused for five years from sending representatives to Parliament because the burgesses had spent a great deal in the fortifying of their town. And again, there were cases where the towns refused to pay the wages of their representatives on the ground that they had neglected their work. For instance, Gloucester and Oxford, under Edward III., refused to pay the stipend of their burgesses because the burgesses had not been doing the work at Westminster that they had been sent to do. Right up to the end of the Stuart time there was also a custom of fines for non-attendance. Any Member of Parliament who did not put in an attendance was fined for failure to do so. Again, sometimes the towns made a bargain with representatives. For instance, Dunwich made a bargain with Sir John Strange that he would agree to accept "a cade and a half of herrings" as salary for his period of service. In order to show you that this payment of members was really a very serious burden, let me give you one fact from Mr. Spencer Walpole's book. "In the year 1406 the wages of Members of Parliament amounted to £5,500; but in that same Parliament the total amount of the grant made to the King was £6,000." So, you see, it cost nearly as much to pay Members of Parliament for coming to the House as it cost to give a subsidy when they had actually come there. That gives you an idea of the serious burden it was on the localities to have to pay their members.

I will close with reading an extract from a statute of Edward II., which is a convenient summary of the stage we have reached. In 1322, in the Parliament of that year, a statement was drawn up that practically summarises the position reached in the development of the powers of the House of Commons. It begins by revoking the ordinances passed a little earlier in the reign ; and then it goes on to say, "But the matters to be established for the estate of the King and his heirs and for the state of the realm and of the people shall be treated and accorded and established in Parliament by the King, and by the assent of the prelates, earls, and barons and the commonalty of the realm according as they have been before accustomed." So that by 1322 people began to believe that it had always been the custom in England to consult the commonalty of the realm with regard to the affairs of the King.

## LECTURE II

### THE DEVELOPMENT OF THE HOUSE OF COMMONS

Growing control of the House of Commons over (*a*) taxation, (*b*) legislation. The struggle for the control of the Executive. The problem of the Electorate—undue influence of sheriff—limitation of county franchise to forty-shilling freeholders, 1429.

Place of meeting and duration of Parliaments.

Demand that “redress of grievances should precede supply”—allocation of supplies—audit of accounts.

The House of Commons under the Lancastrian Kings. Its decline under the Yorkists—unpolitical character of the period—need of strong government—sacrifice of education to efficiency.

Parliament in the fifteenth century—the Electorate.

*Chairman : J. RAMSAY MACDONALD, M.P.*

*Secretary of the Labour Party*

I SEE on the agenda an item which is unusual at such lectures—the Chairman's speech. Now, I think, as we are somewhat limited for time, that the Chairman's speech ought to be very short. I should like to say, however, this, that this great demonstration (for it is not short of a demonstration) is very gratifying to those of us who are interested in democratic education. And perhaps the significant part of it is not the large crowd of wise virgins who have got in, but the very large

crowd of foolish virgins who did not apply for tickets in time, and are now not permitted to come in at all. If the Royal Gallery had been double its size, it would be as crowded as it is to-day, so far as we can judge from the applications for tickets. It is also very gratifying that you have come in such large numbers to listen to lectures on history. Now, the most appropriate subject for the Democracy to study is history, and the most appropriate section of that study is the history of Parliament; because in the history of Parliament you are studying your own evolution. The history of the British Parliament is the history of the evolution of popular liberty in this country; and when you study it you will find many things of special interest. When you wend your way up that long and somewhat tortuous road through which you have come to your present state of liberty and of power, you will come across many striking and pathetic failures. Many laws have been passed from which the people expected many blessings; but the many blessings did not come. But, my friends, do remember this—that those failures are not merely proofs of human error. Those failures were, for the time being, the expression of the determination of Democracy and the people in power to do what was right in order that they might enjoy a greater measure of liberty. They were wrong. Perhaps theirs were inadequate principles—perhaps they were mistaken principles. But, nevertheless, in spite of error, they were the means by which the people rose to greater liberty and more ample

enjoyment of power. So that history read by historically minded men is not the record of failures, but a record of successes right through. Another observation I want to make before I sit down is this—that when history is read by historically minded men, all history is modern history. The present day is the epitome of all the days that have gone before us. You cannot draw lines down through history. History is a unity ; it is a united whole ; and in the most ancient of its chapters, and in connection with the experiments that have been the greatest of failures, if you linger quietly and reverently and intelligently over them, you will hear whispers of something that has a direct bearing upon your modern problems. You will hear it sometimes said that Rome taught that this could be done or that could not be done. You are told sometimes that Paris in 1848 embarked upon experiments that remained for ever as a warning against similar experiments. My friends, that is unhistorical history. The man who reads the history of the past is the man who takes not negative views but positive views, the man who gets from it inspiration and not depression of spirits, the man who feels that all the past is not hung round his neck like a mill-stone, but is a great and glorious source of energy, demanding that he should go forward and not lag behind. That is the way in which the historically minded man reads history ; that is the message that he gets as the result of his reading. And so I am very glad to be here this afternoon to welcome Professor Masterman once more, and to introduce him for

the second time in this course to such a large, such a democratic, and such a representative audience as this.

PROFESSOR MASTERTON:

I was tracing in my last lecture the course of the history of the House of Commons from the first far-off beginnings of it to the time when, in the reign of Edward II., the House of Commons had become a definitely recognised part of our English machinery of government. And I closed by reading an extract which showed how even as early as that time the idea had grown up not only that the House of Commons had a part to play in national life, but also, within the life-time of the people who had seen the first beginning of the House of Commons, that the House of Commons had always taken this same share in national life. And that brings me to point out to you one very remarkable fact about the evolution of our English Constitution—I mean the extraordinarily strong feeling in English life of the importance of precedent, a feeling that leads to the creation of a kind of legal fiction by which any innovation made in our Constitution is assumed to be the revival of some ancient and long-disused right. So, for instance, Magna Charta is all based upon the assumption that English people are reclaiming their ancient and immemorial rights, although many of the things laid down in Magna Charta were undoubtedly innovations. The real fact of the matter is, I believe, that we English people are the most conservative people, except the

## 32 DEVELOPMENT OF THE COMMONS

Chinese, on the face of the earth ; and when we do make any innovation at all, instead of waving flags and shouting because a new thing has been born, we carefully suppress the fact that it is new and clothe it in ancient garments derived from the past. There is no danger of England rushing head-long into a great revolution, because we try so very hard to link the new things with the things that come down from the past of our national history. All this has a most important bearing on the development of our Constitution, because it gives a certain kind of security for the maintenance of any rights secured by Parliament. The rights secured by the House of Commons were not secured for the most part by distinct royal grant or by definite charter ; they were secured by the use of this principle of precedent ; they exactly illustrate those well-known lines of Tennyson which catch so well the peculiar character of English life :

Freedom slowly broadening down  
From precedent to precedent.

Therefore you will find that any right once won by the House of Commons was never afterwards definitely lost. It might be in abeyance for a time ; it might have to be reasserted later ; but the history of the gradual growth of the powers of the House of Commons has, on the whole, been a history of a long, unbroken march of gradually increasing powers ; and that fact is due to the English respect for precedent of which I have spoken.

Now, before I go on to trace the history of the

House of Commons in the next stage of its story, let me say a word or two about one or two subordinate matters. For instance, about the name *Parliament*. When does it begin, and what does it mean ? The idea it implies is, of course, much older than the name. In the Anglo-Saxon Chronicle you will find records of the times when the kings "held deep speech" with their Witan, and that holding of deep speech was the special function for which the Witanagemot existed in English life ; it was a body of wise men who could talk to the King and to whom the King could talk. The very name "Parliament" implies that the function of the body so called is to give expression to opinions and ideas ; that when it talks it is doing the thing it is meant to do. The name "Parliament" belongs to that period in our history when French superseded Latin as the official language of our law courts and business. Up to about 1260 our official language was Latin—a language known to the clergy and to very few other people. After 1260, for about a hundred years, French became the official language of the law courts and the government offices. The King's speeches at the opening of Parliament were in French, and Parliament put their expressions of opinions and desires into French also. To this day the royal assent to new laws is given in an old French formula. The first occasion on which Parliament was opened with an English speech was 1365. Now, it was just in that hundred years during which French was our official language that the name "Parliament" came into use. In France, as you probably know,

the same name was given, not to the legislative body, but to the law courts ; and the celebrated *Parlement de Paris* was not a Parliament in the English sense of the word, but was the central Law Court of ancient France. But in England the word gradually acquired its English form, and becomes the name for the legislative body.

As to the place of meeting, for a long time Parliament met in all kinds of places. Even as late as the fifteenth century Parliament met twice at least in my own city of Coventry, and many other places were from time to time the meeting-places of Parliaments. Wherever the King happened to be, there he gathered his faithful subjects round him. But more and more, as time went on, Westminster became the recognised place for the meeting of Parliament.

One other point is worth remembering. In the last Parliament, or nearly the last Parliament, of the reign of Edward I. you have the first hero of Parliamentary independence. He is quite forgotten, but he is worth remembering ; and therefore I revive your memories of him. One Henry of Keighley, who was the representative of Lancashire in Parliament, made himself the mouthpiece of Parliamentary desire for reform ; and the unfortunate Henry of Keighley, incurring the wrath of the King, was promptly put in prison. That was in Lincoln. The House of Commons at once demanded the restoration of their member, and he was liberated by the King. He was the earliest Hampden of our British Constitution.

Now we come on to the story to be told to-day

—the story of the period from the beginning of Edward III.'s reign down to what we may call the end of the Middle Ages; the period marked by the development of the powers of Parliament. Just as it was the reign of Edward I. that had definitely fixed the form of the House of Commons, so it was the reign of Edward III. that defined the powers of the House of Commons. And the reason of this was partly that the King embarked upon a policy of commerce and a policy of war. Edward III. was the first great tariff reformer of our history. He went in for a system of high export duties on English wool, with a view to making the foreigner pay. The result of the commercial policy of Edward III. was to bring commercial questions into relation with Parliament. Then, secondly, Edward III. embarked on a war policy. He started the great French war which had such enormous influence on our history; and not least in that it made Edward III. dependent upon constant supplies from Parliament, and therefore enabled Parliament to grow very greatly in power.

There were three distinct lines along which Parliamentary powers developed; and it may be convenient to deal with each in order. The first was in relation to revenue. The story of the later Middle Ages is the story of a long contest waged by the House of Commons to secure control over the revenue of the King. Remember that at this time there was no distinction at all between the King's personal revenue and the King's official revenue. The King's wine bill

and the King's judges were paid out of the same fund ; and sometimes, I regret to say, money granted for the King's judges went to pay the King's wine bill. The result of all this was that it was necessary for the House of Commons to gain some control over the royal revenues. In early days the great demand was that the King should "live of his own"—in other words, that the King should make his expenditure balance his income. The King's income was derived from land, fines, feudal dues, and other things of that kind. But, unfortunately, the King's income was always decreasing, and the King's expenditure always tended to grow. His income was decreasing because the only way to reward faithful servants seemed to be to give them a part of the royal land ; and as he gave the royal lands away, his income grew less. On the other hand, as the country settled down and needed judges and other officials, it became more and more expensive to carry on the work of government, and the result was that after about the twelfth century the King's finances began to become seriously embarrassed. In time of peace, with careful economy, the King could probably nearly manage ; but any scheme for war necessarily involved expenses that necessitated the calling together of Parliament. It is a curious thing that all through the Middle Ages the very obvious solution of separating the King's personal revenues from the revenues of the country never seems to have occurred to the statesmen of the time. That was the solution which was

ultimately arrived at ; but this confusion of royal revenues and national revenues goes on to the end of the Middle Ages. At first the King's ordinary revenue is outside the control of Parliament altogether ; and you can trace, in the period we are dealing with now, the strenuous efforts made by Parliament either to curtail or to control the King's ordinary revenue. In the case of rights like purveyance, for instance, Parliament was anxious to cut down the King's right, because it was an extra-Parliamentary source of income. In the case of the customs, there was a long struggle to decide whether the King had the right to levy customs on his own authority, or whether he must levy them through Parliament ; and in the course of the struggle you have one very interesting feature—a feature which you will notice more particularly in Tudor times. I mean this, that with quite extraordinary sagacity the House of Commons retained its powers by sanctioning the King's exactions. When the King exacted *maltote* ("evil toll"), as it was called, on wool, Parliament would meet and sanction the King's exactions, and by doing so retain the principle that those exactions needed the sanction of Parliament. It was very sagacious, and it had the effect of gradually creating the precedent that the King must not levy toll on wool without Parliamentary sanction.

There were several forms that this struggle about revenue with the King took. One was as to which should come first—redress of grievances or the supply of the King's needs. When the

King asked for money, it very soon came to be a principle of the Constitution that the House of Commons should present a list of grievances, and as the House of Commons was English it was quite certain to have plenty of grievances to present. Well, the difficulty was that the King accepted the grant of money and ignored the grievances of the House of Commons; and at the end of a very long struggle, too long to tell you in detail, the arrangement was arrived at that the King should give his answer to the grievances before he got his money, and that the grant of money should be made on the last day of the session after the grievances had been redressed, or, at any rate, some pledge of redress had been given.

Then, again, a very long-drawn-out contest went on upon the question whether the House of Commons had the right to apply grants to certain purposes; and that question became particularly pressing at the end of Edward III.'s reign. Edward III.'s reign—a reign of sham glory and of pinchbeck chivalry—gradually, as it drew near its end, grew more and more squalid and mean, and after the death of the Black Prince is one of the most squalid and mean reigns in our history. The old King, gradually sinking into his dotage, was surrounded by a body of greedy, worthless courtiers, whose only object was to make what they could out of him while he lived; and the result was that subsidies given for carrying on the war in France were deflected into the pockets of a few courtiers. That made

the allocation of grants a very pressing question, and every now and then Parliament claimed the right to allocate grants to certain specific purposes; and two or three times, it may have been more often, grants were paid into the hands of people appointed by the House of Commons, who should see they were not spent except upon the things for which they were granted.

Or again, if I had time I should like to tell you a good deal more about the system of auditing. There was a very long struggle over the claim put forward by Parliament to be allowed to audit the accounts of the King, so as to see whether he was really in that dire need he represented himself as being. But not till Lancastrian times did Parliament gain the right to appoint auditors to look into the royal accounts.

So much for the revenues. I am only skimming over the surface of a very large chapter of history which I earnestly hope most of you will supplement by your own reading hereafter. These lectures are merely of value in so far as they indicate things you can read up for yourself.

Now in regard to legislation. The second chapter in the history of the growth of the powers of Parliament is the history of growing Parliamentary control over legislation. It begins with petitions. The faithful Commons petition the King for redress of certain grievances from which his faithful subjects are suffering, and these petitions are referred by the King to the great Council of nobles and bishops, and dealt with—or not dealt with, as the case may be—in

the great Council. You must always remember that in the Middle Ages there was a very strong distrust of alterations in the law. Once at least the nobles of England expressed the feeling which is dominant throughout the whole period when they said, "We are not willing that the laws of England should be changed"; and that feeling of distrust of changes in the law goes on all through the Middle Ages, and therefore fresh legislation was not the usual and constant occupation of Parliament as it is to-day. It was only very rarely, comparatively speaking, that new statutes were made. The idea that statutes, when made, must be assented to by the House of Commons only grows up slowly. The difficulty was that the petitions from the House of Commons were presented to the King; the grants were made; the House of Commons went home, and subsequently found that nothing had been done. The result was that gradually they began to claim the right to see the final draft of the laws that were to be made on the basis of their petitions; and ultimately, before the end of the Middle Ages, the habit grew up of sending up their petitions in the form of Bills ready drafted for the consideration of the King.

I cannot answer the question at what time and under what circumstances the habit of having three readings of a Bill came into use in Parliament. I daresay it is possible to find out; but I have tried unsuccessfully. Very early in the history of Parliament we find the existence of the custom; but how far back it goes I do not know.

But there were other difficulties about legislation. For instance, there was the difficulty about the King's claim to dispense people from obeying the laws that were made. And again, there was the King's habit of making laws, not only by Act of Parliament, but also by Order in Council ; and the ultimate struggle over both these questions belongs to a later period than that with which we are dealing to-day : only I want you to realise that the House of Commons had only a very incomplete control over legislation throughout the whole of our present period.

Thirdly, there is the question of the appointment of Ministers. Now, as I said in my last lecture, there were two distinct ideas on this subject, in contest throughout the whole period. According to the first, the King was an autocratic monarch who could choose such Ministers as he pleased. According to the second, the barons were the natural advisers of the Crown, and by their advice the King was bound to act. I must warn you against many of our little histories which represent the King's "favourites," as they are called, as shockingly bad people whom the King, for nefarious purposes of his own, imposed upon his faithful people. These King's favourites often simply represent the desire of the King to emancipate himself from the control of his great barons, and claim the right to choose his own advisers.

Now, as the Middle Ages go on, a third view appears ; and it takes the form of a demand that the King shall choose his Ministers in Parliament,

that the King shall be advised by Ministers who have the confidence of the House of Commons. And though this control over the Executive never really amounted to very much, it did amount to something ; and, at all events, it created a precedent for the future working out in our Constitution of the principle of a Parliamentary Executive.

Next I must come a little more into details. It is worth while to remember that 1341 is the first date on which the King granted to the House of Commons the right to examine his accounts, and also the right of sharing in the appointment of his Ministers. As soon as Parliament had adjourned, both those two rights were revoked by the King, and that revocation was accepted by Parliament two years afterwards. That is an example of what I said to you just now : by accepting that revocation they practically laid down the principle that the King could not revoke his own grants without the permission of Parliament. About 1343 you have the earliest example of the Debate upon the Address. The King's Speech is for the first time debated in the House in relation to the reply that is to be given to it. But perhaps the most important turning-point in the history of Parliament under Edward III. is the Good Parliament of 1376. The Good Parliament of 1376 is notable for two important things. First, it is the first Parliament which has a definitely appointed Speaker. Sir Peter de la Mare, the "Prolocutor" of the House of Commons

of that year, is the first example of the selection of a man to take the chair in the House of Commons and to speak on behalf of the House. He was afterwards imprisoned by John of Gaunt's faction for the share he took in the work of that Parliament. So Parliament had now for the first time appointed a man to act as its Speaker to the King, and represent its mind and will. The other important thing about that Parliament of 1376 is that it was the first Parliament to invent the most important instrument by which Parliament gained greatly increasing power over the Ministers of the Crown—I mean the instrument of impeachment, by which the House of Commons brought up any Minister against whom they had charges to make before the House of Lords for judgment and for punishment. The creatures who had gathered round the sick-bed of Edward III., men like Lord Latimer and the rest, were impeached by the Good Parliament; and though the work was undone next year by the packed Parliament organised by John of Gaunt, the principle of impeachment, once established, was destined to be revived again and again until the growth of public liberties made it no longer a necessary instrument for securing the power of the House of Commons.

In the next Parliament, 1377, a man called Hungerford was chosen as "prolocutor"; and he is the first man who has the name of "Speaker." It was a packed Parliament, the first packed Parliament we know in history, packed by John

44 DEVELOPMENT OF THE COMMONS  
of Gaunt and his supporters for the purpose of undoing the work of the previous year.

Then we come on to the Peasants' Revolt. In spite of the immense amount of work that has been done in regard to the year 1381, I do not believe that even now we are in a position to say very clearly what was the history of that obscure but most important movement, the Peasants' Revolt of 1381. I told you in my last lecture that there was a great unenfranchised class of serfs, the fourth estate, as we might call them; and of this unenfranchised class we know very little. Now and again they burst into history for a little while, as it were, and then vanish out of history again; and there is something singularly fascinating to the student of history about the story of that year 1381, when this great unenfranchised class suddenly surges into view for a few brief days, holds the country practically at its mercy, and then vanishes as it came. No, not vanishes as it came, for in that rising of 1381 there were laid the foundations of far-reaching changes in the condition of the people of England, the issues of which lay far ahead, perhaps even lie far ahead still. But the interesting point for our purpose about the rising of 1381 is the effect it had on the House of Commons. The first effect, I am sorry to say, was to induce the House of Commons to pass a number of very foolish laws that have come down to us under the title of the "Statutes of Labourers." They were very foolish laws because they were quite impossible to carry out;

and they were foolish laws for a deeper reason, because if they had been carried out they would have thrown back progress in England by dozens or even hundreds of years. Eventually the force of circumstances was too strong, and the repressive efforts of the House of Commons, largely composed as it was of land-owners, failed. But the second effect, though it is not so well known, is that the Peasants' Revolt led to a very strenuous effort on the part of the House of Commons to insist upon reform and good government. There is a very interesting petition of the House of Commons dating from this year, where it is said, "Unless the Government of the Realm be speedily amended, the Realm itself will be utterly lost and ruined for ever"; and it ends in this way, "For God's sake let it not be forgotten that there be put about the person of the King and of his Council the most sufficient and discreet lords and knights that man can have or find in this Kingdom." The bold speeches made in Parliament in these years are very striking. A great many demands that people think are distinctive of the nineteenth century were definitely laid down in this fourteenth-century Parliament, and the King was compelled to make great concessions to Parliament in these years.

And that brings us on to the Lancastrian period. Now, the period of the rule of the House of Lancaster was a period during which the House of Commons obtained powers very much greater than that House could wisely use, and

the result was that the House, being stronger in rights than it was in practical effectiveness, was rather a hindrance than a help to the good government of the realm. And the reason why the House gained such large powers in Lancastrian times was because the Lancastrian kings ruled by Parliamentary sanction. It was Parliament that elected Henry IV. as King of England; it was on Parliament that he depended for the security of his title. And so I could trace for you, if there were longer time to do it in, a whole series of fresh powers wrested by the House of Commons from the English Kings in the early part of the fifteenth century. One interesting small point to remember is that in 1414 the House of Commons sent up to the King its first petition in English. Up to that time petitions had been in French. And this petition was to the effect that no statute or law should be made hereafter without the consent of the House of Commons.

Now I must pass rather rapidly to the Yorkist period ; and I only want to say just this, because I must leave myself a little time to deal with the electorate. The contest between the Yorkists and the Lancastrians was not by any means a mere "battle of kites and crows," as some historians are wont to make it out to be. It was a struggle between two distinctive ideals of government. The Lancastrians stood for Parliamentary government, and acted with Parliament as far as they possibly could. The Yorkists stood for efficiency in national life;

and it was because they stood for efficiency and strong government that they were generally supported by London and the towns. The country districts, the knights of the shires, were generally Lancastrian, and the towns were generally Yorkist. And the reason was because the towns suffered most from bad government, and stood to gain most from efficiency. So the accession of the Yorkist Kings means the sacrifice of education to efficiency. It is a curious fact that the world has never yet been able to discover a method of reconciling in political life the highest amount of efficiency with the highest amount of political education. Undoubtedly a bureaucratic system of government is more efficient. There never was a finer bureaucratic system than the system inaugurated by the Yorkists and carried to its completion by the Tudor Sovereigns. But a bureaucratic system involves the sacrifice of political education to efficiency; and it is one of the great articles of the democratic creed that where that choice has to be made, efficiency must, if need be, be sacrificed rather than political education. It is possible to purchase efficiency in the present at the cost of the larger efficiency of the future.

This was the idea that underlay the Yorkist and Lancastrian contest, and my reason for laying so much stress upon it is because most students of history pass from the reign of Edward III., and with unconcealed boredom skim the surface of the fifteenth century, to emerge again in the matrimonial affairs of

Henry VIII. That is a profound mistake, because so many of the forces that have made England were actively in contest in this Yorkist and Lancastrian period; so many of the issues vital to the future of our national life were on trial during that very period which we so often mistakenly regard as a mere squabble of greedy barons who ultimately destroyed themselves, to the great gain of our national life. There is a very interesting writer of the period who was Lord Chief Justice of the King's Bench under Henry VI., I mean Sir John Fortescue, whose treatise upon our Constitution is a very remarkable summary of the point reached at this period. What will surprise any of you who do not know Fortescue's work, when you come to read it, is to see how very clearly indeed the great central principles of our English Constitution were apprehended and understood as early as the middle of the fifteenth century. The whole principle of no legislation without the consent of the House of Commons; no taxation without definite grant; that taxation must be inaugurated in the House of Commons and not in the House of Lords—all these things are quite familiar to this Lord Chief Justice of the fifteenth century.

Now let me spend what time is left to me in saying a very few words, first, about Parliament in the fifteenth century, and then about the electorate. I have carefully refrained from dealing with the House of Lords, because that is not connected with our subject; but it is worth while to remember that in the fifteenth century, and long

before, the majority in the House of Lords was ecclesiastical—bishops and mitred abbots—the lay peers amounting to about fifty at most. The total number I should guess to be about one hundred and twenty, and of that number seventy were bishops and mitred abbots. It was not till a good deal later than this that a great increase in numbers of the Upper House was made. With regard to the Lower House, so called, it was not till Henry VIII.'s reign, with one exception, that Wales sent members to the House of Commons; and Chester, which had been a kind of separate duchy, began to be represented about the same time, Durham even later. It appears to have been the custom for Members of Parliament, when they got back to their own counties at the end of the session, to give an account to their constituents of the work that was done in Parliament—a very excellent principle, and one that might even now be adopted with advantage. I fancy they were not paid their wages until they had given an account of their stewardship.

Next we pass to just a few words about the actual electorate itself. One difficulty that we constantly meet with was the difficulty of getting knights of the shire to act for the county. The King was very unwilling to allow mere esquires to represent the shires in Parliament; but he had at last to give way, and after 1455 an esquire might be elected if no knight were forthcoming. By a statute of 1413 the member had to be resident in the county which he represented. About

that period—about the middle of the fifteenth century—we begin to notice a curious change. It began to be considered a desirable thing to be a Member of Parliament, and the difficulties that had been felt up to that time of getting anybody to act now began to disappear. In 1571, for instance, rather later than this, the corporation of Westbury was sued by the Crown for selling its representation to one Long by name. The corporation was fined, but apparently Long retained his seat. But earlier than this you see, from the Paston Letters, how the great nobles found it desirable to get their own representatives elected for good or nefarious purposes of their own. From that time onwards the difficulty of getting people to act disappears from our history. I suppose the growing powers of Parliament, the increasing facility for communication, and the growing fascination of London all helped to that end.

With regard to electing M.P.s, we are very strangely in the dark, as we are with so many things connected with the beginnings of the House of Commons. There is no doubt at all, or practically no doubt at all, that the knights of the shire were elected in the shire court, and that everybody who came to the shire court shared in the voting. They were not elected by the tenants-in-chief only, but by all those who, in technical language, were “suitors” at the shire court. But there was also a growing tendency for the more important people to absent themselves from the shire court, by permission of the

Crown; and the result was that the shire court at its ordinary monthly meetings was chiefly a meeting of the smaller tenants, or "minor people," as they were called in the language of the time, and ultimately that led to the restriction of the franchise within narrower limits. In 1376 the House of Commons sent a petition to the Crown asking that the election of the knights of the shire might be only by the "better folk of the shire," and in 1429—remember that date—the first restricting statute was passed limiting the right of election to freeholders having land of the value of 40s. Forty shillings does not sound very much, but it was practically equivalent to about £40 of modern money. So in 1429 there comes into existence that most important person, the "forty-shilling freeholder," who is at the basis of the English political life of the counties from that time till 1832; and although it is very easy for fervent reformers to abuse the forty-shilling freeholder, he by no means deserves all the unkind things that have been said about him. It was the forty-shilling freeholders that stood behind Parliament in all that long contest against the tyrannous tendencies of the Stuart kings; it was the forty-shilling freeholder that guarded the growing fabric of English liberty during the Restoration period; it was the forty-shilling freeholder who approved of and sanctioned the revolution which established English liberty upon a solid foundation in 1688; and if in the eighteenth century the forty-shilling freeholder seems to have become rather a selfish person, we might at

## 52 DEVELOPMENT OF THE COMMONS

least remember how great is the debt of gratitude we owe him for the contest he waged in earlier times. Well, he is banished now for good or evil, and other people have taken his place. May they prove better guardians of the liberty of England than he did!

There is one question which rises at this point, on which correspondence has taken place in various papers since it was my honour to appear before you last week. I mean this: Did women take part in the election of Members of Parliament in the Middle Ages? Well, that is a question that, if I knew less history or more history, I could probably answer quite easily; but, as it is, I find it very hard to answer it. To do so would involve a great deal more knowledge of mediæval statutes than I fancy anybody has at this present moment; but I can tell you two things for certain. First, there was no disqualification of women as such; a woman land-holder in the thirteenth or fourteenth century had exactly the same rights in regard to the shire court as the male land-owner would have had. That is one fact to remember. But secondly, it seems to have been the general custom in the Middle Ages for women to do their civic business by proxy; and that custom chiefly arose, of course, from the fact that they had to do their military service by proxy! You must always remember this—that attendance at the shire court was not a privilege to be claimed, but a responsibility to be avoided if possible. Everybody tried to get out of going, if they could, and therefore I imagine that

women hardly ever came at all ; they would send their stewards or other people, because, having the right to be represented by proxy, they probably would have used that right as freely as possible ; and therefore I do personally very much doubt whether (except on quite rare occasions perhaps) women took any part in the election of representatives to Parliament for the shires. But they were not, certainly not legally, disqualified from voting. And it would be well worth while for some student of history to investigate the question of the disqualification of women from the exercise of the franchise ; for I am really not at all certain that you will find that it existed at all till a quite late period.

Now we come to the towns, and here we are even more in the dark as to who had the right to elect the representatives. Probably the custom varied in almost every town. There appears to have been no fixed rule at all on the subject. The sheriff was allowed to select towns, in the first instance, for the right to send representatives ; and very often the sheriff chose some burgher of the town and practically compelled him to represent the town in Parliament. But towards the end of our period, when you begin to get definitely organised corporations, these corporations generally acquired the right of sending representatives to Parliament, and the very change that has taken place in the word "Corporation" in itself indicates the character of the change that followed. The corporation means, of course, all the citizens of the town ; and the mayor and corporation does

## 54 DEVELOPMENT OF THE COMMONS

not mean the same thing as the mayor and council. Yet we have grown so accustomed to think of the corporation as practically equivalent to the council, that when we speak of the mayor and corporation of any town, what we generally mean is the mayor and council, which shows the influence of the long period during which the idea of the self-government of the towns was losing ground as compared with the idea of government by practically a self-appointed oligarchy of what were called "citizens of worship." Well, it was that body, the corporation in the narrower sense of the term, that acquired the right to elect Members of Parliament.

I must stop. I have taken you to-day down to the time when Parliament attained the largest amount of power it acquired at any time during the Middle Ages; when Parliament acquired powers very much larger than Parliament really had as yet power to enforce or use. So we come to the period with which we will deal in my next lecture—the period of apparent political stagnation. During the Tudor period Parliament appears to superficial observers to be losing the powers acquired in earlier times. That is largely a mistake, as I hope to show in detail when we meet again.

## LECTURE III

### THE HOUSE OF COMMONS AND THE CROWN

The House of Commons under the Tudors—reasons for its subservience. Revival of independence under the Stuarts—questions at issue—freedom of speech—financial control—responsibility of Ministers—religious questions.

The work of the Long Parliament. Constitutional experiments of the Commonwealth. The results of the Revolution. The House of Commons in the eighteenth century.

*Chairman : THE RIGHT HON. J. W. LOWTHER, M.P.  
Speaker of the House of Commons*

I MUST begin by welcoming you in such large numbers this afternoon, and by saying how pleased I am to see so many of you, who, by your presence here on the third Saturday afternoon, show that you take great interest in the lectures which have been delivered. I believe it is my duty on this occasion, as well as my pleasure, to make a few opening remarks to you. I noticed that one of my predecessors on the platform here, Sir William Anson, said a few words at the opening of these lectures. I was reminded by his presence of a little story in connection with him that occurred to me. Sir William Anson, as I have no doubt you are aware, is the author of a very grave and

almost classical work upon the subject of our British Constitution. Some years ago, when he first entered the House of Commons and was walking up the floor of the House to take his seat, I happened on that occasion to be sitting next to a very witty Radical Member, who, though no longer a Member, is yet, I am glad to think, in the land of the living; and he said to me, "Is this the gentleman who has written a great work on the House of Commons?" I said, "Yes, that is the very man." "Well," he answered, "he will find it a very different place from what he thought it was!" Whether that prophecy has been realised or not, I do not know. Anyhow, that remark shows that there is a difference between theory and practice. Now, this afternoon we may have the difference between theory and practice. Professor Masterman will deal with the theory of the House of Commons; and I have very largely to deal with the practice of it. Whether in this case theory and practice are twin is a matter upon which at the end of his discourse I shall be better able to give you an opinion than now. But as an old Member of the House—I am sorry to say now a very old Member of the House (for I believe I have heard the maiden speech of every Member of the present Government)—as an old Member of the House I would like to say a word or two with regard to certain aspects of it. It is often said that those who live on a mountain are not able to judge so well of the proportions as those who are at a distance. Their vision is somewhat distorted. They are not able properly to judge of the con-

tours or the shape of the whole ; they are not aware of the outline of its beautiful forms, or of its relative position towards the other objects of the surrounding landscape. And I think the same may be said of those who are in daily touch with the House of Commons. Their view is apt, perhaps, to get a little distorted by being brought into contact with the daily life of that body ; and often those who are somewhat removed from it are able to arrive at a sounder judgment as to its exact position, its weight, and its relation towards the surroundings in which it stands. Whether that be so or not, I do not know. But it appears to me that in three respects the House of Commons is a very singular assembly. First of all, we must never forget that it is the electoral chamber of the nation. Other countries, such as America and France, have a chamber or a body specially constituted for the purpose of choosing their President, the man who shall rule them during a fixed or an indeterminate number of years ; and when they have selected their President, their function is over, and they disappear like certain ephemeral insects whose whole object in life is to lay an egg and then die. Well, the House of Commons is not only the parent of its Prime Minister and of its Government, but it is also the critic of that Government—it may indeed become its accuser, its judge, and its executioner ; and in that respect it differs very widely from the other electoral chambers which I have mentioned. But, notwithstanding that, it is the electoral chamber which chooses its Government, and chooses its

chief man who is to rule over the country during a certain period of time.

Then the next point is that the House of Commons is, above all things, an educating medium: it is the means through which the country is educated on certain topics; it is the place, above all places, where grievances may be brought forward, may be ventilated, may be canvassed, discussed, and re-discussed, and then finally either accepted, a remedy found, or pushed on one side as not deserving a remedy; or, what is the most usual case, a compromise arrived at.

It is also the executive and the legislative body of the nation, and in that capacity I dare say many of you think that its work is very slowly accomplished. I will not use the phrase "deliberative," because deliberation certainly connotes considerable delay, and you might say there is more deliberation about it than anything else. But you must remember that in the House of Commons you have a body which, when it has once taken a step in a particular direction, finds it is very hard indeed to reverse that step or to go in another direction. It is easy enough for the House to follow in the steps which have been first taken in any particular direction, but it is extremely difficult to go in the opposite direction; and, therefore, it becomes more than ever necessary for the representatives of the nation to consider once, twice, yea, and indeed more often, if necessary, before it commits itself to any particular step.

These are a few thoughts which have occurred

to me of a general character. I would like to add one more, and that is, I am constantly struck myself with the extraordinary continuity of the body over which I have the honour to preside. I dare say you are aware, or may have been told by Professor Masterman in his other lectures, that to this day the King's consent to Acts of Parliament is given in old Norman-French, which sounds rather astonishing, considering that it is an English King who is speaking to English peers and English commoners on that occasion. But astonishment does not cease there, for I will add, what I daresay many of you are not aware of, that all formal communications which take place between the House of Commons and the House of Lords are still carried on to this day in old Norman-French. I confess that it is to me a matter of the deepest interest that it should be so. I should very much regret to think that the old forms were changed, and for this reason : they convey everything that we want to convey. We are not prevented in the messages we send from sending anything that we wish to send ; and at the same time it preserves the continuity of this ancient assembly, in that from the earliest times it still maintains the old forms which were in existence hundreds of years ago. It has often been said that it is marvellous the House of Commons does its work as well as it does, considering the character of the assembly. If you consider the want of homogeneity that there is amongst its 670 Members, chosen from all parts of the kingdom,

## 60 THE COMMONS AND THE CROWN

from almost every class, differing in interests, differing in wealth, differing in education, differing in the lives which they have led, in the views which they take of politics—if you come to reflect upon that; if you also reflect upon the manner in which they are chosen, generally at a period of great electoral excitement; and then if you think of the stupendous task which they have to carry out, how they have to govern not only the interests of all classes of this kingdom, but of our dependencies abroad, a great part of Africa, a considerable part of Asia, Australasia, a very large part of North America; and when you consider the clash of interests and of classes, the difference of creeds, of religions, in the millions over whom the House of Commons rules,—the marvel to me is that the House of Commons is able to do its work at all.

I will not occupy one moment longer of your time, ladies and gentlemen—you are not to listen to me, but to Professor Masterman; but I have not been able to prevent myself laying these few thoughts before you. I will now call upon Professor Masterman to address you.

### PROFESSOR MASTERMAN:

If any statesman of the seventeenth century were to revisit the world of to-day and to mingle once more in our political life, I think there is no doubt that one of the first questions he would ask would be, “Are the House of Commons and the King at present on peaceable terms with each other?” And we should be able to reply

that for more than a hundred years there has been no kind of contest whatever between the Crown and the House of Commons; and that such a contest was a perfectly inconceivable eventuality under the conditions of modern life. We should be able to tell him that, so far from there being one political party which supported the claims of the King and another political party opposed to the royal claims, the three or four—or whatever it happens to be—political parties in England to-day are all at one in the wholeheartedness of their loyalty to the British Crown.

Now, that change is the most important individual event in our history between the period in which we left the history of the House of Commons, at the beginning of Stuart times, and the period at the beginning of the Reform Acts of the nineteenth century. The change came about through the transition from representative institutions to responsible government. It was not a change made by any easy process, as, for instance, it is made now in the colonies, by a mere addition to the orders given to the Governors of the colonies. It was a change which took hundreds of years of contest before it was finally reached.

Let me explain very shortly the distinction. Representative institutions means this—that the public shall have an organ for the expression of its wishes and desires; that the Sovereign shall have the opportunity of hearing from his subjects what it is that they want. That was, broadly

speaking, the theory of the House of Commons in the Middle Ages—the House of Commons existed to convey the wishes of the people to the King, and, to some extent, to convey the wishes of the King to the people. But responsible government means that the actual persons to whom is committed the executive work of government shall depend for their existence as a governing body upon the goodwill of the House of Commons; that the House of Commons can at any time request the King to call to his Council new advisers, and the King shall forthwith do so; with this additional qualification, that both the Ministry and the House of Commons shall have the right of appeal to the public that stands behind both. For the great peculiarity of our Constitution lies exactly in this, that while, on the one hand, as the Speaker reminded you, the House of Commons can at any time execute the Ministry politically, the Ministry can equally execute the House of Commons. Both of them depend for their existence upon each other; and, therefore, there is a curiously subtle interrelation which is perhaps the most important fact about our Constitution.

Well now, it is this transition from the House of Commons as a body with the right to communicate the wishes of the country to the King, to the House of Commons as the body that really makes and unmakes the governing power in the State, that we have to trace to-day.

I closed my last lecture by saying a few words

about the history of Parliament under the Tudors, and it is worth while to remember that, though, on the one hand, it is perfectly true to say that the great Tudor sovereigns, Henry VIII. and Elizabeth, did practically rule in what was, in fact, an autocratic manner, yet, nevertheless, it is quite a mistake to regard Parliament as an unimportant factor of the Constitution during Tudor times. Parliaments did constantly meet, and Parliaments did not unfrequently resist the demands of the Tudor kings. Both Henry VIII. and Elizabeth carried out many of the most important works they had to do in alliance and co-operation with Parliament. But there were two reasons that led to the appearance of autocracy in Tudor times, and the first was that the age itself was not primarily interested in politics. Other things filled the fore-front of men's thoughts to the exclusion of political questions. There was the development of English trade, going on very rapidly during the Tudor times ; and it is a curious fact, which you can verify by your study of history, that the periods of great development of trade have generally been periods of political stagnation. Then, secondly, there was the development of exploration. Thirdly, a very large class was interested chiefly in the development of learning. Sir Thomas More, Mr. Speaker, one of your not least distinguished predecessors in office, although a Speaker of the House of Commons, was primarily interested in learning. Then, lastly, there were the great religious controversies of the time, that came to occupy men's

thoughts, almost to the exclusion of distinctively political issues.

Now, the result of all this was that what men wanted most was strong government rather than representative government; and the English Parliaments of Tudor times, with a very wise instinct, determined that while the Sovereigns governed in accordance with the wishes of the public they would back up and help forward their authority. But there are two other things you need to remember. You need to remember, in the first place, that the Tudor period was a period in our history when, for the first and last time perhaps, England was really in the greatest danger of falling under the control of great European Powers. The two great monarchies of Europe—France and Spain—were both of them very much stronger than England, and it was only by the most careful and extraordinarily skilful piloting that men like Wolsey, and afterwards Cecil, steered England safely through the very real perils of the time. Now, a time of very great external danger is not a time when internal liberty can grow very fast. Those of you who study the institutions of Germany know how very much, of necessity, the development of popular government in Germany is hampered and held back by the extraordinary grave external dangers that menace the German Empire. Well, we were very much in that position, and the consequence was that personal government was the feature of the England of that time as it is the feature

of Germany to-day; and for exactly the same reason.

Then, lastly, remember that the Tudors had an almost uncanny instinct by which they diagnosed public feeling, and both Henry VIII and Elizabeth knew often much better than their Parliaments knew the real trend of public feeling. It is possible sometimes that a King may interpret better even than his own Government the wishes of the people; and that was certainly true in the case of the Tudor Sovereigns, not once nor twice, but many times. Now, the effect of all this was that during Tudor times you have very little fresh development of the powers of Parliament.

But now we come on to the time of the Stuarts. What was it, we would ask, that makes this quite extraordinary change in the whole character of our history with the opening of the seventeenth century? It was not merely a change of dynasty, though that had something to do with it, no doubt. There were other and far deeper causes for that great change that makes the age of Milton so profoundly different from the age of Shakespeare. In the first place, there was the change of dynasty. The Stuarts had not in the least degree that power of reading the trend of public feeling that both Henry VIII. and Elizabeth had to so remarkable a degree. They never knew what the country was really thinking; they never had their finger on the pulse of public feeling; and, therefore, where the Tudors succeeded, the Stuarts failed. But

## 66 THE COMMONS AND THE CROWN

they were also the victims of circumstances. For instance, here is a point very seldom brought out in history : the import of silver into Europe from the New World resulted in a very great rise of prices, or fall in the value of money ; and the result was that a sum of money that made Henry VIII. happy went nowhere at all a hundred years later. When you voted a tenth and fifteenth or a couple of subsidies to Henry VIII., he seemed perfectly happy and managed to do extraordinarily well upon it ; but towards the end of Elizabeth's reign tenths and fifteenths and subsidies appeared to vanish, and no one knew what was the matter ; only the Sovereign appeared to be very extravagant. As a matter of fact, Elizabeth only managed to keep herself from bankruptcy by living upon her great nobles, which she did freely towards the end of her life. But James I. had a family to keep, and could not live on his nobles, because they would not have him ; and so Parliament could not understand what the King did with the money they gave him. The same amount of money that used to make other Kings perfectly happy seemed to vanish in no time in the hands of James I. The real truth was not that James I. was extravagant, for, as a matter of fact, he was not ; but the value of money had so declined that the King needed a great deal more to pay the necessary expenses of government than at an earlier period ; and it is a very curious thing that that had so much to do with the misunderstanding between the King and Parliament. Parliament

always suspected the King of secret extravagance ; the King on his part complained that Parliament was extraordinarily niggardly in the grants put into his hands.

Then again—and here comes the central point of the whole matter—I pointed out to you in an earlier lecture how very much the powers of Parliament rested upon custom and not upon legal enactment. I pointed out to you that, owing to our great national instinct for precedent, Parliament was able to acquire and keep all kinds of powers without their ever being reduced to black and white or put down in definite statute. All this mass of customary powers had come down to Stuart times. Now, James was, above all things, a legal pedant. He had fallen into the hands of lawyers to an enormous degree, and the lawyers interpreted the questions at issue between the King and Parliament, not in terms of custom, but in terms of strict law. And so the real contest of Stuart times was the contest between the King standing for his statutory legal rights and the House of Commons standing for their customary rights as dictated by precedent. And therefore, you see, both were right, from their own point of view. Everything that the Stuarts claimed they probably had a perfectly legal right to claim. The judges' decisions given in Stuart times, which are sometimes regarded by earlier historians as the mere bolstering up of tyranny, were absolutely correct from the legal point of view ; only the mistake was to apply to a Constitution, whose very meaning depended

on the fact that it rested upon custom and precedent, purely legal arguments and principles. That is really the heart of the whole controversy between the earlier Stuarts and their Parliaments, and that was why there was no real possibility of reconciliation, because the thing they were aiming at was diverse in each case. That is the reason why the judges play so large a part in the times of the Stuarts, because it was on the decision of the judges that the Stuart Kings relied for maintaining their powers against what they thought to be the encroachments of Parliament.

Two other things are worth noticing; and the first is a change in the character of the House of Commons itself. There was now no longer any difficulty in securing members to serve in Parliament. A new class of men had arisen who were of the greatest possible value in the contest that followed, men who were trained as Justices of the Peace in the Tudor administrative system—Hampden and Pym, and the other men whose names are household words in England still. They had been trained in the art of government in Tudor times, and now they brought all this training to bear in Parliament upon the affairs of the nation. The Tudors sharpened the weapon of which the Stuarts were destined to feel the edge. But also there was much more competition for seats in Parliament than there had been in Tudor times. Sir R. Verney, writing in 1640, makes the complaint that "many elections are decided by tobacco and beer." That, of

course, has no reference to recent history. It was written in 1640. Well, this growing competition for seats in Parliament brought a new class of men to the work of legislation. And then, lastly, there comes the complication of the great religious cleavage in England, because, remember, the seventeenth century was one of those periods when men did really care very much indeed about religious questions. They were not a mere by-product or side-issue, they were not regarded as the mere strife of a few evil-minded persons; they were the thing about which your ordinary man really cared a great deal more than he cared about a good many other questions. Well, this religious controversy of the seventeenth century complicated the issue because, unfortunately, the King and the House of Commons took opposite sides—the House of Commons became more and more Puritan, the King became more and more what we in modern language would call High Church. And so they drifted apart. To the already existing political line of cleavage there was now added the far deeper religious line of cleavage. With regard to the period that followed, it is quite impossible for me to deal in detail with the fascinating story of Stuart times. The main point to trace through it all is the growing tendency of Parliament to concentrate on this one issue—that the King's Ministers shall be men who have the confidence of the House of Commons. They tried it in the case of Buckingham; they tried it again in the case of Strafford. They ultimately, as we shall

see, won that particular point, that the King's Ministers shall be the men who have the confidence of the House of Commons. Now, here is the real danger of the Stuart system—a danger illustrated by the existing system in Germany and in certain other countries as well—that any opposition to the Stuart Government almost necessarily came to be personal opposition to the Sovereign himself. If the Sovereign would insist on being his own Minister, then those who opposed the existing policy almost necessarily found themselves charged with disloyalty to the King. It was this difficulty that had a great deal to do with the fall of the Empire of Napoleon III. in France ; and one of the most difficult questions in Parliamentary government in Germany to-day, as here in Stuart times, is the extraordinary difficulty of opposing the Government and yet remaining loyal to the Sovereign. That remarkable phrase "His Majesty's Opposition" had no meaning in Stuart times. And the ultimate end came when the House of Commons had tried in vain to lay the responsibility of misgovernment on Buckingham, or on Strafford, and had hurled Strafford to his doom ; when every other Minister was cleared out of the way, and the King stood alone as the one really obvious centre of government. Then you had what some people regard as the greatest crime in our history, others regard as a regrettable necessity, the execution of Charles I. The execution of Charles I., whatever we may say about the morality of it, was the inevitable outcome of a system that placed

the King in the position of leader of one party in the State, and made the opposition party the personal opponents of the Crown. In other words, the execution of Charles I. made it absolutely inevitable that the next step should be the establishment of Ministerial Responsibility.

With regard to the whole contest I can merely pick up a phase here and there to remind you of as we pass along. It began very early. In 1604 you find the House of Commons standing for an exceedingly important principle, that the special privileges which from early times the Speaker had claimed at the beginning of every Parliament, which you, Mr. Speaker, still claim on behalf of the House of Commons, from the Crown—that these privileges were “of right,” and not by mere grace of the Crown. In this contest Parliament enunciated the principle very clearly in these words: “What cause we your faithful Commons have to watch over our privileges is manifest in itself to all men. The prerogatives of Princes may easily and do daily grow. The privileges of the subject are for the most part at an everlasting stand. They may be by good providence and care preserved, but being once lost, are not recovered but with much disquiet.” And that “much disquiet” was destined to show itself very clearly in Stuart times. The King’s reply was characteristic: “That Parliament was not a place where every rash and hare-brained fellow might propose any laws of his own invention”; and he went on to refer to the old custom of Sparta, by which, if a man

proposed a law and the Lacedæmonians rejected it, they hanged the man as well. That was the King's idea of treating his Commons gently! Fifteen years afterwards the same question arose about the privileges of Parliament, and Parliament registered a protest in the books of the House of Commons declaring that their privileges were the birthright and inheritance of the subject. The King sent for the Journal of the House of Commons, tore out the page with his own hand, and dissolved Parliament.

While I am speaking about the relation of the King to Parliament, I may perhaps mention that I came across a curious extract the other day which I thought might amuse you, describing the unfortunate issue of an attempt on the part of one of the clergy in the seventeenth century to interfere with politics—an awful warning to your present lecturer. In 1624 a certain Dr. Harrys made a speech at election time which was regarded as an interference with Parliament, and this was the edict that went forth from the Commons : "He shall come in as a delinquent upon his knees and confess his fault ; and upon Sunday in the pulpit of his own parish church shall also confess his fault ; and that he is sorry for it and desires the love of his neighbours, and that he will avoid the like offence in the future. He is advised to bear no spleen upon this to his neighbours, and to forbear to question them about tithes." I believe the unfortunate Dr. Harrys actually did all these things, and remained hereafter—let us hope—a sadder and a wiser man.

But I must come back to our subject. In 1621 Parliament recovered the most important weapon which it was destined to use as a means of enforcing ministerial responsibility—I mean the weapon of impeachment. Everybody knows of their most celebrated victim, Francis Bacon, Lord Verulam, who was hurled from power by the impeachment of the Commons and sacrificed by the King, who had no particular love for him. And from that we pass to the story of the struggle which turns round the Petition of Right and the celebrated scene in 1629, when the Speaker refused to put the resolutions of Sir John Eliot to the vote, and declared he was commanded otherwise by the King; when he was held weeping in his chair by five members while Sir John Eliot's celebrated three resolutions were passed by the House of Commons, the door being locked to keep out the Serjeant-at-Arms; and immediately afterwards the King dissolved Parliament, imprisoned several members (including Sir John Eliot, who died in prison). May I say just a word about him? Everybody knows Hampden, because most people have learnt Gray's Elegy; and most people know about Pym. But I do not think people realise adequately the greatness of the services done to the cause of English liberty by Sir John Eliot, who may be described as the first leader of an organised opposition in Parliament, and who was the first victim of the royal anger. After being three years in prison, he died there rather than yield to the King's arbitrary claims. Other men

played their part and did their work, but we ought not to forget so easily the great figure of Sir John Eliot.

There followed eleven years of tyranny, so called ; I say "so called" because you must not run away with the impression that everybody was being tyrannised over and was seething with indignation. During the eleven years of Charles's arbitrary rule a few men saw clearly the importance of the issue. The majority rose and slept, bought and sold, very much as usual, and did not, I think, feel very much, at all events at first, the true character of the constitutional struggle which was going on ; and there was really no very clear reason why Charles's arbitrary government should not have gone on till the end of his life if he had not been involved in a religious war with the Scots. But as soon as Charles got involved in a war with the Scots, he required money for the payment of his army ; and as money was the one thing he had not got, and could not get without recourse to Parliament, Charles was compelled to call a Parliament. Accordingly, there was held first the Short and then the Long Parliament. The Long Parliament met in 1640. It is interesting to notice that the elections to this Parliament furnish the first example of an organised political campaign. Pym, Hampden, and others went round the constituencies making speeches, and definitely canvassing for their own supporters. The King had no friends at first in the Long Parliament of 1640. We all remember the celebrated Lenthall, Speaker

in the Long Parliament, the man who perhaps had the most adventurous career of any Speaker known to us in history. He spent twenty years of his life as Speaker, till Parliament was dissolved, after passing through a larger variety of vicissitudes than any other Parliament passed through in our history. But with regard to the Long Parliament, the main point I want you to be clear about is this: in the first session, between the autumn of 1640 and the spring of 1641, every single existing political issue between the King and his Parliament was settled, every question involving the King's arbitrary rights was settled by the House of Commons in its own favour in that first session of the Long Parliament; and only two questions remained. They were these: first, could the country trust the King to abide by the arrangements arrived at? and, secondly, the religious question. Now, it was these two questions that led to the Civil War; and the Civil War really began with the Grand Remonstrance at the beginning of the second session of the Long Parliament, when, over these two questions, Parliament split into two parties. There was nearly a free fight on the floor of the House; and the party that broke from the Parliamentary leaders then ultimately became the "Church and King" party.

But in the meanwhile, as I was speaking about Lenthall, may I say one or two things about the position of the Speakers in the Parliaments of the seventeenth century? The first example we have of the custom of naming a member belongs to about

## 76 THE COMMONS AND THE CROWN

this period. The first member actually "named" was Sir W. Carnabie, who was talking loudly in a corner of the House with some other members until the Speaker, in order to induce him to desist, called upon him by name to do so. That was in 1641. What awful fate overtook Sir W. Carnabie after that, history records not. Another interesting point is that complaint was made at the beginning of the Long Parliament that Members of the House of Commons "do frequent taverns and bowling greens"; and so it was resolved that Mr. Speaker do not take the chair unless there be at least forty members in the House. And thus the custom arose that still holds good, that if there are less than forty members in the House, the House can be adjourned, after due warning has been given to the members who are outside to come in.

There are one or two other points about the Speaker of that time not without interest. I fear he did not always receive the respect he deserved by reason of his office. For instance, we find, in 1610, this record written in the Journals of the House: "Affirmed by Mr. Speaker, that Sir E. Herbert put not off his hat to him, but put out his tongue and popped his mouth with his finger in scorn." We also read about the same time of another member who "in a loud and violent manner, and contrary to the usage of Parliament, standing near the Speaker's chair, cried, 'Baw!' in the Speaker's ear, to the great terror and affrightment of the Speaker and of the members of the House."

But perhaps the most celebrated scene in the House of Commons was the scene immediately preceding the war, when Charles, with quite extraordinary foolishness, endeavoured to arrest the five members in Parliament. I say "with quite extraordinary foolishness," because it would have been very much easier to arrest them in their own beds at a time when Parliament was not sitting. But Charles, by going into Parliament to arrest the five members, deliberately infringed one of the most sacred privileges of Parliament. Lenthall's answer on that occasion is worth recording. He knelt before the King, and in reply to Charles's demand for information, he said "he was a servant of the House, and had neither eyes to see nor tongue to speak in that place but as the House was pleased to direct." The Members had fled to the city, which was Puritan to the core, and was prepared to defend them against the King, if need be. Next day the King left for Hampton Court, and the members came back in triumph from the city to Westminster. The war followed, and ended by leaving four distinct parties in England in contest with each other: first, the King; secondly, the Scots, whose chief object was to make as much money as they could out of the whole thing by selling him to somebody; thirdly, Parliament, now committed to Presbyterianism; fourthly, the Army, which had diverted entirely from Parliament on the religious question, and was committed to an entirely different idea of religion. So, first, the Scots are paid off, and they go back to their own

land. Then the King is executed ; then Parliament is driven out by Cromwell, and the Army stands supreme as the one remaining power in the country. So the effort to establish popular government in England ends in establishing the autocracy of the Army. That is the key to the tragedy of the Commonwealth period. The Commonwealth period is interesting for this reason—it was the only time in our national history when there was really an opportunity of starting again. I have pointed out to you how from the first beginning of things, from the time our marauding ancestors drove the Britons out of their own land, on to our own time, there never has been a new start : the past has always dictated the line of the future ; the present is always built upon the past. Now in 1649, for the only time in our history, there had been a clean sweep made of the past. The bishops had gone, the House of Lords had gone, and the King had gone, and Parliament had gone, and the Law Courts had more or less gone, and even the Scots had gone. It seemed as though there was a magnificent chance of really making a fresh start. Turn ten or eleven years of history, and what do you find ? England in the wildest passion of enthusiasm, the air "breaking into a mist with bells," to welcome back the bishops and the King and the House of Lords, every single thing that apparently had been joyfully destroyed eleven years before. That is the most instructive fact about our history : it warns us that if we rightly understand our own character, we are not the

kind of people who can make revolutions. For the one time in our history when men had a chance of building up a new Utopia, a new ideal system of government, they so hopelessly failed that they had in the end to break into pæans of joy about the return of all the things that they had rejoiced to see swept away. I recommend you to read Milton's prose pamphlets, and you will understand more from his prose pamphlets about the idealism of Puritanism and the causes of its failure than you will from most historians. Cromwell was keenly anxious to establish constitutional rule in England, but he was hampered partly by the divided state of the country and partly by the unwillingness of the Army to forgo any of its powers. So he failed, and therein lies the real tragedy of Cromwell's life and rule. He had consented unwillingly to the gradual destruction of all the established institutions of the country because he hoped and believed that on the basis of these he might build up newer and better institutions for the future. He died in the midst of the failure of all his plans and the destruction of all his hopes; and his death made it absolutely certain that there could be only one solution, unless England was to be permanently dominated by the power of the Army, and that was to bring back the things that were destroyed and have another try.

That other try is the period we call the Restoration period. Now, at first sight the position of affairs under the later Stuarts seems very much like the position of affairs under the

## 80 THE COMMONS AND THE CROWN

earlier Stuarts ; but in reality it is profoundly different—different in the nature of the questions at issue, different in the relative balance of parties. For instance, the earlier Stuarts tried to rule in defiance of Parliament ; the later Stuarts tried to rule by corrupting Parliament. The earlier Stuarts tried to rule by ignoring Acts of Parliament ; the later Stuarts tried to rule by finding ways round them, generally an easy thing to do when you want to. The result was that the Restoration period is a period during which it more and more clearly appears that the real control of things is passing out of the hands of the Sovereign as an autocratic person into the hands of the Sovereign acting with and through Parliament. In other words (I used the phrase some time ago), the definition of the channels of exercise of royal power is going on through the later Stuart period, but not without difficulty and friction—difficulty and friction that end at last in the Revolution of 1688 ; and the Revolution is a clear recognition in definite form of all that had been gained in the long struggle of the preceding time. It was an exceedingly conservative revolution. It is based entirely upon the assumption that Parliament is asking for nothing whatever that is fresh ; it is merely asking that certain ancient rights and liberties shall be now clearly recognised and maintained, and that the Sovereign shall hold his Crown in England by election of Parliament, on the understanding of his maintaining these great central principles of constitutional government. That is what the Revolution really

means—it sums up the great fact that the real power of selecting and unmaking the governors of the country now rests in the House of Commons; and therefore the Revolution in one sense closes the chapter of history I have been trying to tell you about to-day.

So we pass to the earlier Hanoverian Kings, whose real sympathy was much more with Hanover than with England, who could not speak English, and who gave up presiding at Cabinet meetings. Thus practically the power passed into the hands of a body of Whig nobles, and the power of the Sovereign dwindled almost to vanishing-point. Then comes George III., who was the last English Sovereign to make a determined attempt to establish something like the old autocratic monarchy in England. He did so by endeavouring to have a party in Parliament which could be trusted to maintain the interests of the Crown, so that after 1780 you have that very remarkable resolution passed by the House of Commons: "That the power of the Crown has increased, is increasing, and ought to be diminished."

Now, why was it that George III. was able to make so strong a stand for the powers of the monarchy against the growing power of the House of Commons? Because the weakness of the House of Commons lay in the fact that it had ceased to represent the mind and will of the people. And therefore, from the struggle between the King and the Parliament we pass by a natural transition to the story of that other struggle which will close these lectures,

## 82 THE COMMONS AND THE CROWN

the struggle of the people to secure that Parliament shall be the representative of their interests, their wishes, and their desires; and only as Parliament has become by degrees the expression of the mind and will of the people has a final reconciliation been reached of the powers of the Sovereign and Parliament, when the Sovereign recognises, as our Sovereigns have recognised now for more than a century, the great cardinal features of our English Constitutional system, and takes his place at the head of our Constitution—all the stronger, I believe, because his power is exercised not in the form of authority, but in the form of influence.

## LECTURE IV

### THE HOUSE OF COMMONS AND THE PEOPLE

Condition of the franchise in the eighteenth century. Early demands for reform. The Reform Act of 1832. The programme of Chartism. The Reform Act of 1867 and its results. Later changes.

The reporting of debates—the principle of publicity.

Duration of Parliament—the Triennial Act—passing of the Septennial Act (1716). Demand for annual Parliaments.

The Rights of Electors.

*Chairman: THE RIGHT HON. L. V. HARcourt, M.P.*

*His Majesty's First Commissioner of Works*

I FEAR that I have little claim or right to the honour of being permitted to occupy the chair on this occasion, and the best way in which I can exhibit my gratitude for the compliment is to stand for the shortest possible time between you and Professor Masterman, to whose lecture we are all eagerly looking forward. The only justification for my presence at all is that in virtue of my office I am temporarily (for Ministers are transient, even if they are not embarrassed)—I am temporarily charged with the custody of a large part, and the conservation and the repair of the whole, of these great buildings. If I were to

enter on an examination of the respective functions and powers of the Lord Great Chamberlain and the First Commissioner of Works, I should find myself on delicate and debatable ground, and I should become involved in the mists and mazes of a history which it is difficult, if not dangerous, to explore. But I shall trench on no one's prerogatives if I offer you, on behalf of the Government, a warm welcome to the buildings in which is conducted the great inquest of the nation. By the disaster of 1834 (the great fire which destroyed the old Houses of Parliament) we are deprived of many—of most—of the associations which clung to the fabric itself, but we are still upon the historic and hallowed site. Westminster Hall, the cloisters, and the crypt still remain to us almost in their original shape; and who can walk through Westminster Hall without a thrill of memory of the tragedies and the justices which have been enacted there? A few inconspicuous plates in the pavement record some of the more famous episodes, but they do no justice to its crowded story. It would hardly be an exaggeration to say that the proofs of English history have been pulled in and around Westminster Hall. From Charles and Strafford to Warren Hastings a silent but an almost speaking procession comes to us across the chasm of trouble and of time. It has been the scene of revelry and the arena of challenge at many a coronation. It has been the catafalque for a great statesman resting on his way from the house of strife to his last home in the great abbey. And close to it is

the present St. Stephen's Hall, the site of the old chapel which was the former House of Commons, and whose altar commanded the obeisance which is now, by traditional custom, rendered to the mace. There you may walk to-day between the white ghosts of those great minds who once swayed the Senate on that site—Fox and Burke, and Pitt and Chatham, the makers of Empire, the champions of liberty, the defenders of the privileges of Parliament, with which are wrapped up the rights of the people. I do not know that I am an imaginative man, but I never move about our corridors without feeling that they are peopled with the substantial shadows and the sentient souls of the great who have passed through our halls. They ought to be, and they are, an encouragement and an inspiration to us who lead our lives in the whispering echoes of their immortal deeds. To us, in the weary round of our daily duty, these moving memories are constant companions. But to you, whose knowledge of our proceedings can only filter through the cold print of a crowded press, there is an advantage which may colour your whole aspect of public affairs in seeing and hearing upon the spot the story of these buildings, the foundations of the Constitution, and the facts of Parliamentary history, which, broadening down from precedent to precedent, have made your legislature the most powerful and the most popular which the world has ever known. The larger number of people who can gain by contact with these buildings the respect which they inspire, the better for the

future of the nation, because it is only a traitor to popular institutions who would decry the authority of an assembly which is the child and the creation of the Democracy. For these, if for no other, reasons, I welcome the attendance of this great assembly, and on your behalf I tender the most grateful thanks of the public to Professor Masterman, on whom I now call.

PROFESSOR MASTERMAN :

Last week I was tracing for you in outline the long story of the struggle between the King and the House of Commons, which occupied the seventeenth and a part of the eighteenth century. To-day I close these talks about Parliament by saying something to you about the last struggle that history has recorded for us—the struggle of the people outside to gain control of their own House of Commons. The struggle between the King and the House of Commons practically ended under William III., who adopted Sunderland's advice, without, perhaps, seeing quite how far-reaching its effect would be, and chose his Ministers from the party in a majority in the House of Commons. Instead of having a number of independent Ministers belonging, it might be, to different parties, he chose a body of Ministers belonging to the same party, who gradually came to act together; and that process was completed under the early Hanoverian Kings, because George I. and George II. took remarkably little interest in the English part of their possessions. Unable even to speak English, profoundly inter-

ested in Hanover, they left the government of England to a very large degree to the great Whig nobles. George I. was the first King who did not preside over the meetings of the Council, and, in consequence, the Council then became for the first time what we now call a Cabinet, a body of men acting together with collective responsibility, and negotiating with the King only through the Prime Minister—although there was no real Prime Minister quite as early as that. Now, the problem of the control exercised by the House of Commons over the administration having been thus happily settled, there arose the problem of the relation that ought to exist between this same House of Commons and the great mass of the people. It is possible to exaggerate, no doubt, the unrepresentative character of the Parliaments of the eighteenth century. As I shall show you presently, they were not quite so completely out of touch with public feeling as some of our historians sometimes assume. Yet, on the other hand, they were entirely unrepresentative in the sense of being elected by the mass of the people. I believe I am right in saying that at the beginning of the nineteenth century, out of 678 members of the House of Commons, no less than 424, or something like two-thirds, were nominated by the great land-owners for nomination seats in their own patronage. In the case of men with an adequate sense of responsibility, this system of nomination, which made a great nobleman patron of a number of seats in Parliament, very much in the same way as he may now be patron of several

livings on his own land, undoubtedly led to an attempt to introduce really able men into Parliament. But, in the case of less scrupulous men, it was made a mere matter of bargaining, and the patronage of a seat in Parliament became a marketable commodity, very much as, to our lasting shame, livings in the English Church were, and to some extent are still to-day. I believe there was a regular tariff for seats. About £5,000 was regarded as the price for a seat in Parliament, and in some cases you were expected to give what legal people call a "refresher" of £1,000 a year for the time you enjoyed the privilege of retaining the seat. By the eighteenth century the position of Member of Parliament conferred a certain social distinction, which made it a desirable acquisition for a new man who wanted to establish himself in a recognised social position in the country.

The distribution of seats had, of course, become extremely unequal. Take, for instance, one fact: Cornwall returned only one less member than the whole of Scotland. The number of members returned by Cornwall was 44, the number of members returned by the whole of Scotland being only 45. One could add innumerable facts of the same kind, but they would all be of the same general character. Yet, on the other hand, I think it important to remind you that Parliament was not even so entirely without some kind of touch with public feeling; and if I were asked to prove that, I should instance the career of the men who I suppose might be safely claimed as

the two greatest statesmen of the eighteenth century—I mean the elder Pitt, afterwards Earl of Chatham, and his son, William Pitt; and I instance these two statesmen because, if you trace their history, you will find that the real source of their strength lay not in their majority in Parliament, but always in that strong backing of the unrepresented public opinion of the country, which proved itself strong enough to maintain these men in office even in the teeth of hostile majorities in the House of Commons. George II. once said to the elder Pitt, "You have taught me to look for the sense of my subjects in another place than the House of Commons." And that was perfectly true. Now, the fact that these men could, by resting for support on the general public opinion of the country, successfully master the opposition of the House of Commons, is a very clear indication that there were ways, although somewhat intricate and imperfect, no doubt, in which public opinion made itself felt in the House of Commons even in the eighteenth century. But you may say more than that. If you took the average Member of Parliament at the time of Walpole, you would find him to be a very fair representative of the general trend of public feeling at that particular time in our history when England was, on the whole, a land of villages and small towns; when our busy, ugly, monstrous towns had not yet begun to be. The touch of the country squire with the men of his own district was very close and intimate; his standard of intelligence was very much on a level with their

own. He might drink more deeply ; he scarcely thought more deeply than they did ; and the result was that practically the House of Commons of Walpole's time was probably not so very different in its general outlook on things from what it would have been if it had been elected on a democratic franchise. As the century went on, and as traffic in seats grew more common, and prosperous persons from India and elsewhere came home and purchased for themselves estates in England, no doubt there was a certain tendency to deterioration in the calibre of the ordinary Member of Parliament. He became a more corruptible person than he had been in earlier times, he became more susceptible to the cash argument ; and it was only the very strenuous steps taken by successive Governments that kept in check the tendency to buy votes, which Walpole had brought almost to the standard of perfection.

But the change really began with the development of that great movement that we call the industrial revolution. When the centre of gravity of English life shifted from the country districts of the South and the Midlands to the great towns of the North of England, and when a new body of men, enriched by manufacture, began to arise and maintain that they also had a right to be heard in national affairs, then there began to be a demand for change ; and this demand for Parliamentary reform was heard fairly frequently in Parliament in the latter half of the century. Pitt, Earl of Chatham, not once nor twice voiced

this demand for reform in the House of Commons, and his son, William Pitt, was in early life a passionate advocate of Parliamentary reform; so much so that in a remarkable Bill which he introduced somewhere about 1782, or a little afterwards, he proposed to compensate the holders of rotten boroughs by a grant of a million pounds from the Treasury—a process which the English Parliament declined to accept, but which Pitt did afterwards, as you know, practically carry out in relation to the scheme for the union with Ireland. It was by what his enemies called bribery and his friends called compensation that he secured the passing of the Act of Union. But when the storm of the French Revolution broke over English life, it was generally recognised by all parties that no far-reaching change in our Constitution could be carried through at a time when England found herself in grievous peril, and compelled, as I believe she was compelled, to throw herself into the arena of European strife. And so for nearly twenty years all schemes of Parliamentary reform slept. It was not, indeed, till 1820 that you have the beginning once more of efforts for reform; and now it was that great Liberal, Lord John Russell, who took the lead in the new campaign. There was a celebrated debate in 1820 in connection with a successful resolution for the disenfranchisement of the borough of Grampound in Cornwall; and its two members were given to the county of York, which was very much under-represented. But it was impossible to deal with the problem

## 92 THE COMMONS AND THE PEOPLE

by mere tinkering at individual boroughs, and the time was bound to come when a much more far-reaching scheme would have to be developed. Meanwhile, other influences were at work which all made for reform. The first was the spread of education in the country. After the opening of the century there was the first faint beginning of an attempt at the education of the masses of the people ; and that education began to react at once upon their opinions about things. It is interesting to remember that as early as 1815 that great Radical Cobbett reduced his *Political Register* from 1s. to 2d., in order to bring it within the reach of the mass of the people.

Again, in those years about 1820, you have the contest over the repeal of the laws against combination. Now, the repeal of the laws against combination has a close bearing on the whole development of the agitation for Parliamentary reform, because as soon as men were able to join together in trades-unions and similar organisations, and to learn the power of acting together, they began to develop an instinct that was bound to take the form of a demand for a share in the larger political life of the nation as a whole. And so in the beginning of trades-unionism, English working men began to be educated in the habits of self-government. Then again, in 1830 a great wave of revolution passed over Europe from one end to the other. May I say at this point that we often make a great mistake as historians in isolating the history of our nation far too much from the history of Europe ?

If you read the earlier English histories, you will find great things being done in England, and now and then faint echoes from the quarrels of wholly inferior races across the seas breaking into the general story! But if you will bring your English history, as I am sure you ought to do, far more into relation with the history of Europe as a whole, you will learn to see that so many of the things that we have thought to be entirely insular in their character really are just insular phases of a great European movement. That is so, for instance, about Puritanism, and that is so distinctively about the Reform movement which began in England in 1830. In France the dynasty of the Bourbons went down with extraordinary ease, and the rather inglorious career of the bourgeois monarch Louis Philippe began. The effect of this revolution in Europe was to stir up in England a much stronger desire for reform. Indeed, the only alternative presented to the minds of far-seeing statesmen in England was the alternative between reform and revolution.

Now let me say a word to you about the condition of the franchise. In the counties, as you know, the franchise was still in the hands of our old friend the forty-shilling freeholder. As far as he went, he was an entirely estimable person, deserving the gratitude of all good citizens. On the other hand, no leaseholder, however long his lease might be, had any kind of share whatever in the elections for the county; and as the English landowner is very tenacious of his rights to land, and much prefers granting

leaseholds to freeholds, the great mass of land-owners in the counties were leaseholders, and the number of freeholders was, comparatively speaking, very small. One result was that they became very corruptible. You could easily get at them ; and to buy the whole lot of them did not cost any exorbitant sum. But when we pass from the county to the boroughs, the condition of affairs was much less satisfactory ; and what was really the matter with the boroughs in England in 1830 was the quite extraordinary complication of the franchise. There were scarcely two boroughs in which the franchise was entirely the same, and often there were weeks and months of litigation over the question as to who had or had not the right to vote in borough elections. And, by the by, at this point may I interject the remark that if you want to know something of the condition of England in 1832, I would strongly urge you all to read that quite admirable book by Stanley Weyman, published about two years ago, called *Chippinge*, which gives a really extraordinarily good picture of the struggle of the year 1832, and of the condition of the English electorate in that year ? One feature of the borough representation was, of course, the rotten boroughs of which we hear so much ; and these rotten boroughs were of two quite distinct kinds. There were boroughs like Old Sarum (a notorious example), which had gradually decayed, and having at first been towns of considerable size, had now become tiny villages or groups of houses. But there was also a very

considerable number of boroughs created in Tudor times for the deliberate purpose of being rotten ; I mean that the Tudors created a very large number of small boroughs in Cornwall in order that they might have nomination boroughs of their own, so that they might pack Parliament with people whom they could trust to vote in the way they wanted. Thus a good many rotten boroughs never had been anything else ; their enfranchisement at first had been pure political corruption. The last example of the creation of a borough by royal charter was the case of Newark in 1673, and it had been decided by the end of the eighteenth century that the Crown had lost its right to create fresh boroughs by charter, so that there was no possibility of dealing with the irregularities of representation except by Act of Parliament.

What surprises people to-day, sometimes, is that there should have been found so many people willing to defend this system of things. A man so profoundly and loyally Liberal as Canning, for instance—one of the greatest of all English statesmen, as I believe—was heart and soul against Parliamentary reform. And it is rather interesting to ask ourselves for a moment what line of argument men like this could adopt in favour of the then existing order of things. Burke was wont to defend our Constitution, in passionate terms of eloquence, because it had been the growth of ages, developed stage by stage with the development of our history ; it had never been made by artificial manufacture. Therefore

Burke regarded it as an organic thing, possessing a kind of sacredness in virtue of the greatness of its history. But there were two more practical arguments that weighed with men, and the first was often urged by men like Canning—that the system then in vogue provided an admirable opening for men of talent to find their way into the House of Commons. And that was certainly true. I very much doubt whether the average calibre of Members of Parliament was ever higher than in the eighteenth century. Certainly the House of Commons never rang with finer strains of eloquence and more strenuous contest than during that period. And also—and, after all, this is the only argument that appeals much to Englishmen—it was urged that, although absolutely indefensible in theory, the thing had not worked badly in practice. I think there was a pretty good case to be made out for this last argument. I have said already, and I say it again, I very much doubt whether, if the franchise had been very widely extended in the eighteenth century, there would really have been a better House of Commons than the actual House of Commons of that period.

But the time had come by 1832 for fresh advance. Things may be good in their time; it does not follow that they are always good. I am not going to attempt to tell you the story of the Bill of 1832: it is familiar to most of you; and in any case you can read it for yourself, if you wish to do so, in any history of modern England. I would merely remind you that the first Bill

brought in was amended so much that the Ministry dissolved Parliament, and came back with a very large majority in favour of reform; that this second Reform Bill, brought in like the first, was rejected by the Upper House, and then the Ministry resigned and the King called upon the Duke of Wellington to form a Ministry. The Duke of Wellington endeavoured to do so; and then it was Place hit upon an ingenious expedient for securing reform, and suggested that people should draw their money out of the banks, for by doing so they would so depress the funds as to oblige the Government to yield. So London was placarded with the device: "To stop the Duke, go for gold." The result was a run on the banks which was one of the causes that led the Duke of Wellington to see that resistance was no longer practicable. So the Ministry came back, and the King promised to create as many peers as might be necessary to pass the Reform Act through Parliament; and, curiously enough, a precedent for that was found in the action of the Tories at the time of the Peace of Utrecht, when Harley and St. John persuaded Anne to create fresh peers to carry that Peace safely through Parliament.

The Reform Act passed successfully, and Great Britain embarked on a new chapter in its history, for it had now become Great Britain through the Act of Union with Scotland in the eighteenth century and the Act of Union with Ireland at the beginning of the nineteenth century. Now, the first result of the Act of 1832 was a very striking series of reforms of really first-class importance.

I often find that students of history are not nearly sufficiently alive to the quite extraordinary value of the work that was done in the few years that followed after 1832 : the reform of the Poor Law ; that most important change in the Municipal Corporations in England, a change perhaps even more far-reaching than the Reform Act itself ; grants for education, doled out with a rather niggardly hand by successive Governments ; then the Factory Acts. I need not go further ; but this long series of really first-class reforms was the outcome of the stimulus given to Parliamentary action by the Reform Act of 1832.

#### What did it really do ?

What it did was to transfer the government of the country from a few great Whig noblemen, who had practically been the governing power, into the hands of the middle class in England ; and the period of 1832 to 1870, or a little after, may be described as the period of middle-class government in England, and it is not a period of which the middle class in England has any need to be ashamed. But the effect of all this was to create in the minds of the mass of the workers a certain feeling of disappointment. The middle class had gone into the garden of Eden, so to speak, and they had been left outside, whereas they quite understood in 1832 that they were all going in together, so in a certain sense they felt they had been defrauded. This disappointment took two forms ; or, in other words, the movement amongst the workers from 1832 onwards took two directions. There were those who said that the

workers in England must work out their own salvation for themselves independently of Parliament, and that class threw itself into the work of organising trades-unions. On the other hand, there were those who said, our first need is to gain control over the machinery of government, and that class originated the movement we call Chartism. Chartism was the deliberate claim to modify political machinery so as to give the workers of the country control over the machinery of government. In a sense it failed. But in a far deeper sense it succeeded. It failed in its immediate purpose; and nobody who has read Kingsley's great book can possibly help seeing the intense pathos of that failure—the enormous hopes suddenly broken, great dreams suddenly face to face with rather dull, squalid realities of life. But in a deeper sense Chartism was the first wave of a great movement that has not yet spent its force in English life. I cannot trace for you all the events that led up to the second Reform Act—Disraeli's Reform Act of 1867. The chief hindrance to reform for some time was the influence of Lord Palmerston, who, though a Liberal by instinct, became towards the end of his life a strong enemy of any further extension of the franchise. But after Palmerston's death two or three experiments were made, and finally in 1867 Disraeli, in the interests of his scheme of Tory Democracy, passed the Reform Act of that year. The Reform Act of 1867 was the first of the two great steps by which the mass of the workers of England gained their share of the control over

the political machine. Roughly speaking, it may be said to have enfranchised the artisan of the English towns. Here are some figures which may be of some use. In 1831 the total number of electors in England was 300,000. Just before the Reform Bill of 1867 the number was 1,370,000. Immediately after the Reform Bill of 1867 that number had grown to 3,000,000, so that the effect of Disraeli's Bill was more than to double the size of the electorate. It was also a Bill for the redistribution of seats : but I must not go into details. Lastly, the Franchise Act of 1884 enfranchised the great mass of the country workers, and gave uniformity to the franchise throughout the country, practically abolishing, for all ordinary purposes, the distinction between county and borough members. About 2,000,000 more voters were added by Mr. Gladstone's Reform Act of 1884 to the elective body in England.

That is, roughly speaking, the story of the way in which the people of England as a whole gradually acquired control over the House of Commons. But there were other things beside the right to elect that the nation gradually acquired, and I want to close by saying a little about them.

In the first place, there is the right of the public to know what goes on in the House of Commons. The earliest experiment in the publication of debates was made by the Long Parliament. Various inaccurate accounts of the proceedings in Parliament found their way into the fly-sheets of the time ; and so Parliament determined to provide authorised versions of its pro-

ceedings, "*Diurnal Occurrences in Parliament*," as they were called, published by authority of Parliament. After the Restoration there was great jealousy about the publication of proceedings in Parliament, and I think the reason for that was probably the same as the reason that led to the custom of the House going into Committee of the whole House. As you know, when the House goes into Committee the Speaker vacates the chair and the Chairman of the Committee takes the chair instead. The reason for the introduction of the custom was, I believe, that the Speaker was very often a royal spy, whose business it was to report to the King what went on in Parliament; so that, in order to be able to talk freely, they turned the royal spy out of the chair and went into Committee. I think it was the same motive that led to the distrust of the publication of the proceedings in Parliament. It was important that the King should not know what Parliament was doing, except through the authorised communications made through the Speaker, as to the decisions that Parliament had arrived at. It was important that the King should suppose Parliament to be unanimous, however far that supposition might be from the truth. And so for a long time there was this distrust of any publication of the proceedings in Parliament. Then the custom grew up towards the end of the eighteenth century of publishing wholly imaginary debates; and when Parliament objected to this, they were published as debates in the Roman Senate. Dr. Johnson took a share,

as you know, in drafting the supposed speeches of members, who during that period showed an amount of classical erudition which was certainly quite different from that which their own minds could have provided. One difficulty was that the reporters, even when no longer prohibited, were only allowed to come in like any other strangers, and might be excluded at any time if any member "spied strangers" in the House. Also they were not allowed to take any notes. If any one was seen taking notes he was removed. The ultimate result of it all was that the thing became rather grotesque; and I know few more grotesque stories than the story of Miller, whose case really closed the attempt of the House of Commons to suppress the publication of their debates. He was the printer of a paper in which were published some of the debates. He was arrested in the precincts of the city; and the House of Commons messenger who arrested him was in his turn promptly arrested for violating the liberties of the city, and the case was brought before Wilkes, then alderman of the city, who was particularly glad, of course, to have an opportunity of vindicating the independence of the city against the House of Commons. Ultimately, what happened was this—the Lord Mayor and one of the aldermen were imprisoned by order of the House of Commons, while the messenger of the House of Commons was imprisoned by order of the city. Then the thing became frankly absurd. So, just as, long before, the city had helped to vindicate the liberties of Parliament in respect to the five

members, so once more, by the action of the city, there was finally ended this quite absurd suspicion of reporting on the part of the House of Commons. But no accommodation was provided for reporters till after the fire that destroyed the old House. When the present building arose, completed in 1853, a gallery was provided for reporters; and I am told they have now very comfortable quarters and are people whose presence is welcomed rather than resented in the House. One other point about reporting. One serious difficulty about reporting debates used to be fear of the law of libel. It was all very well for a member to take advantage of the privilege of the House to make libellous statements, but if any unfortunate newspaper reported them, it might be sued for libel. But at length it was decided, in the case of *Hansard v. Stockdale*, that if a report was merely a fair report of what a member said, no action for libel could lie. That was an important decision, because it gave a feeling of freedom to the reporter in dealing with remarks made in Parliament.

To turn to another matter: one important aspect of the relation of the public to Parliament is the question of the duration of the House of Commons. At first, after the Revolution, the House of Commons was sitting under what was called the Triennial Act, and the circumstances under which the Septennial Act was passed in 1716 are rather interesting, but I have not time to tell you them in detail. The Act was a very remarkable example of the sovereignty of Parlia-

ment, which prolonged its own existence by four years, and might, with equal legality, have prolonged it for forty. But actually, after seven years, it went out, and ever since then the Septennial Act has been in force. The Chartist demanded annual Parliaments—a thing no sensible man would demand now for various reasons, obvious to you all. An interesting point to notice is that in most of our colonial constitutions (of which, by the way, we English people ought to know a good deal more than we do, because they are extremely interesting)—in most of the colonial constitutions the duration of the Lower House is three or four years, and in only one or two cases as many as five. A good many people think that our own Septennial Act gives Parliament rather too long a lease of life; and a certain feeling of weariness seems to come over Parliament somewhere about the sixth year,—it seems to long to die a natural death, and generally manages to do so before its full seven years are done. In that connection may I remind you of a curious fact that there is no Act of Parliament at all prescribing that Parliament shall meet every year. Since 1688 there has been no year without a meeting of Parliament, and it is exceedingly unlikely there ever will be; but if our legislators were to-morrow to decide to vote supplies for two years, there is no legal reason which would compel them to meet in Parliament next year. It is the necessity of voting the Budget and of passing the Army Bill that compels Parliament to meet every year.

A very important step in protecting electoral rights was provided by the Ballot Act. We must all, I think, sympathise with the grounds of John Stuart Mill's objection to the ballot; we must all feel, I am sure, that it would be a higher standard of things if a man could exercise his franchise openly as a sacred trust of which he was not ashamed. That is in theory perfectly sound; but in practice there are so many difficulties which arise that at the present time, at all events, there is little doubt that men are much more free in exercising their franchise when they are protected by the system of the ballot. I do not think personally that we ought to regard the ballot as the last word in statesmanship on the subject of elections, but merely as a step in the direction of that free exercise of our rights as citizens to which we ought all to look forward.

One more thing, and that is practically the end. There is one other form in which the public gradually gained more control over the House of Commons—I mean the right of the public to elect anybody they chose. At first there were two distinct lines of restriction imposed: the first was the property restriction, and the second was the religious restriction.

There was the property restriction. In 1710 an Act was passed by which county members had to have £600 a year in land, and borough members had to have an income of £300 a year in order to be qualified as Members of Parliament. As a matter of fact, from the very beginning of its history this qualification was habitually evaded.

What you did was, the day before the nomination, to get some friend to transfer to you £600 worth of land, which you gave back the next day. But nominally the restriction went on ; and one of the demands of the Chartists was, as you remember, the abolition of the property qualification ; ultimately, in 1858, property qualifications were swept away.

There remained the religious qualification. That was, of course, the outcome of the early attempts to keep Roman Catholics out of Parliament ; and accordingly every Member of Parliament had to take certain oaths designed to exclude men of that particular religious faith. This went on until the Act of Union with Ireland raised the question in a much more pressing form. Was Ireland to be disqualified from sending men of the religion to which most of its people belonged to the Parliament of the United Kingdom ? And it was under the influence of Daniel O'Connell that Catholic emancipation was finally secured in 1829. There were two further steps taken. The oath taken by a Member of Parliament closed with the words "on the true faith of a Christian," and therefore disqualified all Jews. But in 1858 the words were made optional, and so Jews for the first time were admitted to Parliament. Soon afterwards members of the Society of Friends were allowed to affirm instead of taking oath. And finally, after Mr. Bradlaugh's case, affirmation was introduced as optional for all members ; and in consequence all religious disqualifications were finally swept away.

It is worth while remembering—because people do not always know it—that there was a struggle of some importance early in the eighteenth century as to whether the right to vote could be taken away by the House of Commons from an individual voter or not. The case of *Ashby v. White* was a most important case, for it decided the question whether a vote was a freehold or merely a privilege granted by Parliament which could be withdrawn from any individual by the House of Commons. In this case it was decided finally by the Law Courts that a vote is just as much part of your property as anything else you have, and that you can sue at common law if any one endeavours to take it away from you.

Well, we reach the point now when the control of the people over the House of Commons is growing very nearly complete. It is not quite complete yet, for there are at least three steps to be taken before we can claim in England that our House of Commons is in the fullest sense representative of the people of this country. And the first step, I need hardly say, is the extension of the franchise to that large class of the community that pays taxes like the rest of us, and to which is committed the chief share of educating the citizens of the future.

Secondly, we cannot claim to be really possessed of a representative system until such measures are taken as shall make it possible for the poorest man in England to devote his services to the public welfare, if the public calls him to do so.

Then, lastly, I personally feel, though you may not agree with me, that if the public is really to be in effective control over its own destinies, there must be some kind of way whereby the verdict of the public on certain great issues can be taken in case of need; that some kind of referendum is a necessary element in any really democratic community.

Power has passed first from the King to the Ministers of the Crown; and then it has passed from the Ministers of the Crown to the House of Commons. And now it has to a large extent passed, or is passing, from the House of Commons to the people. Therefore we are face to face to-day with a situation unlike anything in the past history of the world, as far as I know it: we are trying in a vast community, covering a large area, an experiment not tried in the same kind of way since the early days of the Greek Republics, and even then not tried, for those Greek democracies were really highly trained aristocracies, and not democracies at all.

Now, what is needed for the success of this epoch-making experiment to which in England we are now irretrievably committed? We need, I think, in the first place, a Press which is impartial and well informed, which has an adequate sense of its responsibility, and is not subsidised by parties or sectional interests.

Then we want, secondly, a people trained in the art of citizenship, trained in the use of their votes as a sacred trust, not for personal gain, but for the common good. It seems to me

to be almost incredible that a great nation like our own should have embarked upon the experiment of entrusting to itself the government of a vast Empire, without making any kind of effort at all to educate itself in the art of citizenship ; and I do not know anything I would rather say as a last word than this, and I say it with the strength of a conviction that grows every day stronger : I am certain that the Minister of Education who will devise some wise syllabus for the training of every child in our schools in the real art and meaning of citizenship will confer upon the country a greater and more permanent boon than any Minister of Education has yet conferred on the country.

Then, lastly, one more thing must be, if this great experiment is to prove anything else than a colossal failure, and that is, the workers must learn to trust their leaders. They must learn to lose, as I believe they are losing, the petulant impatience of childhood in the wiser and stronger patience of manhood, to work for a good that they will not see, and to build temples in which they will not worship.

With such a body of voters behind it, we might look forward without fear to the future of that great assembly of whose past I have tried to tell you something in these lectures. A wise process of devolution will before long leave it free to deal with the great Imperial questions with which it ought to deal. Members from Sydney and Quebec and Cape Town may, perhaps sooner than some of us imagine, sit

110 THE COMMONS AND THE PEOPLE

side by side with the Members for Woolwich and East Lancashire. The lines of party cleavage are bound to change with the changing years. But all the wise things in the world have not yet been said; and all the big things in the world have not yet been done. *Let us wait and hope.*

## A P P E N D I X

### A SELECTION FROM THE QUESTIONS ASKED AT THE CONCLUSION OF THE LECTURES

#### LECTURE I

QUESTION : At what date did the payment of members entirely stop ?

ANSWER : In the reign of Charles II. (1681) the Member for Harwich sued his constituency successfully for his wages. Since then no member has been paid. But in Lord Campbell's *Lives of the Lord Chancellors* he says that up to the Reform Bill probably a Member of Parliament might legally have claimed wages from his constituents. Of course they were paid by the locality, and the sheriff issued the necessary writ for paying the expenses of members (*de expensis levandis*).

QUESTION : How were the members paid ?

ANSWER : There was a proclamation issued in 1304 by the King in which he thanks "the knights of the counties and the citizens and the burgesses and other people who have come to this Parliament" for their kindness in doing so, and the proclamation ends that they shall receive proofs which will enable them to get their expenses paid in their district. It simply meant that at the end of each Parliament the King issued briefs, certifying that the knights of the shire had done the business, and on that brief the sheriff issued a writ authorising the raising of the amount needed for their expenses.

QUESTION : Who elected the Members of Parliament ?

ANSWER : The knights undoubtedly, I think, were elected by the shire court. That is an important point, because the fact that they were elected in the shire court made them represent not only the tenants-in-chief of the Crown, but the whole people of the county. It

## APPENDIX

gave them a much wider franchise. Up to the time I am going to speak of in the next lecture, they were elected by all the suitors in the shire court. In the case of the burgesses, the matter is not so clear. Probably they were elected by the commune of the town ; but I do not think there is clear evidence what the process was. In some cases they were nominated by the sheriffs. Efforts were made afterwards to prevent that being done ; but it was hard to get the burgesses to serve at all.

QUESTION : As the representatives were reluctant to attend, evidently there was no contest in the locality between two people as to who should attend, no contest between people of separate ideas as to what should be done ?

ANSWER : Probably the conditions varied from time to time in different localities ; but I should doubt if there was much in the way of a contest. I think it was more a case of crying out for volunteers than anything like regular competition.

QUESTION : What was the actual business of the members at first ?

ANSWER : Primarily they were called to consult with the King about the King's needs ; but soon they began to be consulted about the business of the realm as well, because the two things could not be dissociated from each other. As soon as the representatives got up to Parliament, the question arose—Are we getting our money's worth in good government ? The result was a demand for redress of grievances connected with the supply of the King's needs.

QUESTION : Were women ever voters ?

ANSWER : At one time undoubtedly women sat and voted in the House of Lords ; but, as far as I know, they took no actual part in elections in the Middle Ages.

QUESTION : Were any serfs voters ?

ANSWER : It is very doubtful, I think, whether the reeve and four men who came from the township into the town were necessarily freemen. I am inclined to think that they might be serfs or "villeins," as they were called. If that were so, it did give to the serf a very small share in the election of representatives for the county. But that was all ; and that was more by accident than design. Beyond that, the serf remained entirely unenfranchised in regard to the system of central government.

QUESTION : Could the serf appear and vote at the village mote ?

ANSWER : I think it is probable the degree of self-government of a body of serfs in any village depended very largely upon the goodwill of the over-lord's bailiff. I doubt if they had any real rights. They met in the court leet, but I doubt whether they had any rights

other than those conceded to them ; and undoubtedly, I think, the existence of the vestries is evidence of the fact that the parish priest was often the man who did most to organise village life in the Middle Ages.

QUESTION : Is it true ladies helped to choose representatives who were sent to London from the shires and towns.

ANSWER : I do not fancy there is any evidence to prove they did. How far women were suitors in the shire court I do not know ; but I do not think there is any evidence that women ever attended the shire court. The woman land-owner would be represented by her bailiff. I do not think there is any evidence that women shared in the election of the shire representatives. Certainly in the towns they did not.

## LECTURE II

QUESTION : Could Professor Masterman give us the names of any recognised leaders in the Peasant Revolt, so that we might perhaps be able to trace them ?

ANSWER : Yes, we know several names ; but they were often only nick-names. We are not now clear whether Wat Tyler was really one of the leaders or merely a man who happened to get killed and so became famous—a good way of getting famous. As far as there was any leader at all, I think it may be said to be John Ball. But there is an enormous amount still to be done by way of investigation. It was undoubtedly much more than a mere sporadic outburst of popular discontent. You will find much light on the subject in Trevelyan's book on the Age of Wyclif—an extraordinarily interesting work ; and there are others.

QUESTION : Can Professor Masterman indicate how or where books or other papers can be found in reference to the disqualification of women ?

ANSWER : Well, there are pamphlets which can be secured from various sources. Seriously, I do not know where you can find adequate, reliable evidence. In looking the subject up during the last week, it has been a surprise to me how little any of the great Constitutional historians do deal with that question. The only way would be to look into original documents concerning local life, and find out how far there is evidence to prove that women ever came to the shire court. That is the whole point. Did women attend the shire court or not ? Personally, I doubt whether they did. But I am sure they might have done so legally, if they had chosen.

## APPENDIX

QUESTION : What was the earliest date when the House of Lords exercised the right of veto ?

ANSWER : That is hard to answer, because, you see, the House of Lords was great when the House of Commons did not exist at all. It would be easier to say when it was the House of Commons began to take the initiative in legislation, and that is, as I have said, about the fifteenth century. But the right of the House of Lords to veto the legislation of the House of Commons was, of course, undisputed, because legislation was made on the petition of the Commons by the advice of the Lords. You legislated by the consent of the King on the petition of the Commons by the advice of the Peers. I do not think the Peers' right of veto ever came into question in early times, except in regard to finances. It is remarkable to notice how early in the history of Parliament the House of Commons established their right to make grants to the Crown. By Edward III.'s reign it was a clearly recognised principle that grants must be inaugurated in the House of Commons and not in the House of Lords. In 1395, for instance, you have a grant made by the Commons with the advice and assent of the Lords ; and that became the regular phrase after that for grants to the Crown.

QUESTION : What power has the House of Lords in amending Money Bills ?

ANSWER : I think the answer is this. It is quite clear that the House of Lords has no control at all over the Budget, except the right to reject the whole thing. I imagine that in so far as the grant of money is concerned, the House of Lords would have no power of amendment at all. But if a regulation dealing with the grant were embodied in a separate Bill, then I should imagine the House of Lords might have powers of amendment. But that, of course, is a big constitutional question. I do not want to speak authoritatively, and to go down to history as a bad adviser.

QUESTION : Was there any limit set during this period upon the time Parliament should sit ?

ANSWER : That is one of the many things I had not time to mention. Practically throughout the Middle Ages Parliament simply met once and then finished ; and I think we have no example till we get to Tudor times of Parliament lasting more than a year—as far as I remember. Parliament simply met for a session, and then went home. The custom was for Parliament to meet at eight o'clock in the morning, and get its business done while the day was fresh and men's minds were clear.

QUESTION *re* the Statute of Labourers.

ANSWER : It was intended undoubtedly to keep the villein as far as possible in his old position ; but it certainly failed to do so, because the period about 1381 was a great period of progress in the very class the Statute of Labourers was intended to keep down. It did perhaps help a little to keep down wages ; but I doubt whether it did so to any great extent.

QUESTION : How were peers created in that period ? Was it for service to their country ? Or were they the favourites of the King—temporal peers ?

ANSWER : The earliest form of the creation of peers was peerage by tenure. Any one who had a certain piece of land was by that fact a peer. The only example left now is that of Arundel. If you bought Arundel Castle from the Duke of Norfolk, you would become *ex officio* Earl of Arundel and Member of the House of Lords. The next system was peerage by writ of summons. The third stage was peerage by letters patent. As a matter of fact, it was quite a rare thing for the King to create a new peer ; and the number of peers in the House of Lords never exceeded fifty at most, right down to the end of the Middle Ages. But now and then, for any important service generally rendered to the country or for near relationship to the Crown, a man was made a peer.

### LECTURE III

QUESTION : Was the work of Simon de Montfort more constructive constitutionally than that of Oliver Cromwell, and therefore more patriotic ?

ANSWER : Simon de Montfort did, of course, one thing which lasted, in bringing the boroughs into Parliament, and I think, as I said, when speaking about him, that he did understand he was taking a big step. But Cromwell did no constructive constitutional work. He tried hard to do so, but all his schemes broke down one by one. Here was a man of the greatest ability, most anxious to build a new constitution for the country, yet there is not a single constitutional thing in England to-day which you can put your finger on and say that was due to Oliver Cromwell. But by his foreign policy he did incalculable service to England.

QUESTION *re* the advantage to the Constitution of the reigns of James I. and Charles II. as compared with the reign of Elizabeth. Otherwise the comparative advantage to the Constitution of the Stuart and Tudor periods.

ANSWER : You cannot mention a single important constitutional

## APPENDIX

gain made by Parliament during Tudor times. But the resistance of the Stuarts to the claims of Parliament resulted in a series of definitions of channels of exercise of royal power which ended, as I said, in transferring the initiative of governmental action from the Sovereign in his personal capacity to the Sovereign acting through Parliament.

QUESTION : Has the Sovereign the power of veto over legislation ? If so, when was it last exercised ?

ANSWER : I suppose any constitutional lawyer would tell you that practically the Sovereign has lost the power of veto over legislation by non-usage, for it has not been used since Queen Anne's reign. In practice you may take it, I suppose, as quite certain that the Crown will not exercise personal power of veto over any Acts passed by Parliament by ordinary constitutional methods.

QUESTION : Was the Restoration the work of a few or the demand of the people ?

ANSWER : I should think hardly any single event in our history was more widely and generally popular than the Restoration of Charles II. The country went mad with enthusiasm. It was because the country had been ground down for ten years under a despotism that really was far more tyrannous than the despotism of Charles I., I mean the despotism of the successful independent Army, and to escape from the despotism of the Army the country willingly ran the risk of the danger of the despotism of the restored King.

QUESTION : Was not Sir Thomas More more worthy than even Sir John Eliot to be recognised by us as the champion of the rights of the Commons, and especially of the rights of the Speaker ?

ANSWER : There was only one occasion on which Sir Thomas More asserted the constitutional position of Parliament. That was in regard to Wolsey's demand for a subsidy, an isolated event quite different from the steady and persistent and insistent policy of Sir John Eliot ; the fact being that More was more a scholar and a student than a politician, and was glad to escape from politics to give himself more completely to the work of learning and writing.

QUESTION asked in regard to Oliver Cromwell : Upon what act or phase of his life does his reputation rest ? Was it his foreign policy ? Was it that he made England respected abroad as perhaps had not happened at any other period of history ?

ANSWER : I think it is rather interesting to compare the two really clear-sighted statesmen of Stuart times, for both of which I confess to having an almost equal admiration—I mean Strafford and

Cromwell. The two men are singularly alike, although they seem so different, because they were the two men, and perhaps the only two, who were prepared to carry their principles to their logical issue. They were the two men whose motto was "Thorough"—Strafford on the one side, Cromwell on the other. Even in an age full of compromise and temporising, these two men did know their own mind quite clearly and were prepared to go the full length of the policy they advocated ; they were the two men who really stand out conspicuously as the two great leaders on the one side and the other. That is the first claim Cromwell has. In an age of vacillation, temporising, and difficulty, when everything might have been lost by unwillingness to go the whole length of their opinions, Cromwell determined, though very sadly, I believe, that the thing must go through. Then, secondly, of course, there is his work in regard to the Navy, and his work in regard to a foreign policy which lifted up England from a condition of weakness and futility in international affairs into a position whereby he could almost dictate the policy of Europe. It is upon this second claim that Cromwell's reputation rests.

QUESTION : In what was the despotism of Cromwell's army detrimental to England ?

ANSWER : I question really whether the despotism of Charles I. or of the Commonwealth period can be described as acting detrimentally on English people at the time, because there are periods in history now and then when a nation has for a time to have a dose of despotism as the only cure for some worse disease. The danger of the despotism of Cromwell's army was that it kept down that very freedom of thought for which Milton pleaded so eloquently, and was holding back the political education of the people ; and that is, after all, the accusation always to be made against despotic governments—they may be extraordinarily good and extraordinarily efficient, but they are so extraordinarily uneducational.

QUESTION : In regard to the universal welcome of Charles II., may it not be explained by the fact that there was a general revolt against the narrow Puritan spirit which then dominated this country ?

ANSWER : But among the men who welcomed the return of Charles II. were a large number who were really Puritans. It was much more, I think, the growing weariness of the domination of the Army. Of course that—the revolt against Puritanism—had much to do with it ; undoubtedly in many people's minds it was the main thing ; but there were a large number of very grave, serious Puritans who were quite prepared to welcome back the King, because

they felt the only alternative was the permanent maintenance of Army despotism.

QUESTION *re* political education.

ANSWER : I do not know. It is rather remarkable to notice how very strongly developed political action was in that seventeenth century. You remember Milton's great rejoicings over the political thinkers of the time in many of his prose pamphlets ; and that seems to have been really true. In London and other great towns there was an extraordinarily strong instinct of political action, particularly in that seventeenth century, stronger than you find again for a very long time ; and had that action been free to work and been wisely guided, it might have produced very far-reaching results.

QUESTION *re* welcome given to William Prince of Orange.

ANSWER : There is a curious difference which every historian must feel between the attitude of the country towards the Restoration and the attitude of the country towards the Revolution. The Restoration was really a national act as far as any act has been national ; the people as a whole were thoroughly in sympathy with it. But the Revolution was the act of a little clique of people, and was acquiesced in, rather than welcomed by, the great mass of the people. It was looked upon not as the triumphant return of something that had gone away, but as an unfortunate necessity, in the mind of a great many people. The romance and the glamour of life to a large extent went out with the Stuarts, and left the country to that degree impoverished of something it had had before. The change was made in a business-like kind of way by men whose hands were none too clean. In short, although it brought enormous gain to the nation it was not a "glorious" revolution.

QUESTION : Was it during the period of the Commonwealth that the duration of Parliament was limited to seven years? Was it then the Septennial Act was passed?

ANSWER : There were two Triennial Acts, which should be distinguished carefully, because they are often mixed up by students. The first Triennial Act was passed by the Long Parliament, and said there must not be more than three years' intermission between Parliaments. If the King ruled three years without a Parliament, then Parliament must meet. If the King did not call it, the House of Lords might do so ; if the House of Lords failed to do so, the electors themselves might call a Parliament by electing representatives. After the Revolution, Parliament met regularly every year. But soon after the Revolution the second Triennial Act was passed, saying that no Parliament was to last more than three years. Then in 1716, just

after the Jacobite Rebellion, Parliament prolonged its own existence to seven years by the Septennial Act ; and ever since then the Septennial Act has been the Act which controls the length of any particular Parliament.

## SUGGESTIONS FOR FURTHER STUDY

As the object of these lectures was to stimulate interest in the history of Parliamentary government in England, it may be useful to add a few suggestions for further study. Any of the following points deserve, and would repay, more detailed treatment.

The Shire Moot. Its constitution and work in Anglo-Saxon times. Causes of its decline after 1100. The opportunities it afforded, through the jury system, etc., for the training of men in the habit of self-government.

The Great Council of the Norman Kings. How it developed into a regularly constituted body. Its attempts to dictate to the Kings. The rise of the "greater barons" into a separate class, with the right to a separate summons.

The "Commons of the realm." The meaning of the name. The "third estate" in England in the thirteenth century. How it differed from the "third estate" in France or Germany. The rise of the English town into political importance.

Simon de Montfort as a constitutional reformer.

See especially an excellent biography by Dr. Prothero ; also *Simon de Montfort and His Cause* in "English History from Contemporary Writers" (Nutt : 1s.).

Edward I., "the king who trusted his people."

A good short biography of Edward I. is that by Professor Tout, in the "Twelve English Statesmen" series (Macmillan : 2s. 6d.).

Influence of the French Wars on the powers of the House of Commons.

May be studied in Longmans' *Life and Times of Edward III.*, or in vol. iii. of the new *Political History of England* (Longmans).

The House of Commons in the fifteenth century. Its constitution, procedure, and privileges.

Sir John Fortescue's treatise on *The Difference between an Absolute and Limited Monarchy* should be consulted for the constitutional theory of Parliamentary government in this century.

The Tudor Parliaments. Methods of royal influence. Causes of the subservience of Parliament.

There is a very useful sketch of the position of Parliament under Elizabeth and under James I. in the Introduction to Dr. Prothero's *Statutes and Constitutional Documents, 1559-1625*.

Puritanism, and its influence on the relations of the House of Commons with the Crown.

Consult Gardiner, *Select Documents of the Puritan Revolution*.

Wentworth, Lord Strafford, the last champion of "personal government."

There is a short biography of Strafford, by H. D. Traill, in the "English Men of Action" series (Macmillan : 2s. 6d.).

The English Republic, 1649-59, and the causes of its failure.

Read some of Milton's later prose pamphlets, especially those written at the eve of the Restoration.

Shaftesbury, the first of the Whigs. His struggle with the King over the Exclusion Bill illustrates the changed condition of things since the early Stuart period.

There is a useful short sketch of Shaftesbury in the "English Worthies" series (Longmans).

The Bill of Rights and the Act of Settlement.

The two documents form a summary of the principles secured by the Revolution. To understand them is to understand the whole contest that they closed.

Parliament in the eighteenth century.

The history of the House of Commons in this period can best be studied in the lives of the three greatest statesmen of the period—Walpole, Pitt (Earl of Chatham), and William Pitt (the younger). All three are very well done in the "Twelve English Statesmen" series.

The Reform Act of 1832.

Two good short text-books on this period are McCarthy's *Epoch of Reform* (Longmans) and Rose's *Rise of Democracy* (Blackie). If possible, some of the debates and pamphlets of this period should be read; Mr. Weyman's recent novel *Chippinge* is a good picture of the feelings of the time.

The Reform Acts of 1867 and 1884.

The story of these is well told in McCarthy's *History of Our Own Times*. See also Morley's *Life of Gladstone*.

Parliament and the Empire.

See Parkin's *Imperial Federation*.

The House of Commons and the Ministry.

Bagehot's *English Constitution* is not yet out of date. For more detailed treatment, see Anson, *Law and Custom of the Constitution*.

Lowell, *The Government of England* (just published, Macmillan : 17s.).







